



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Commission Meeting: March 6, 2019
Agenda Item #5

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: January 18, 2019
Re: Request by Mark Remick for Waiver of Late-Filing Penalties for 24-Hour Reports

In 2018, Mark Remick was a Maine Clean Election Act candidate for State Representative in District 132. He did not win the general election. On October 30 and November 1, 2018, the campaign ordered radio ads and mailers from two different vendors with a value of \$1,602.69 and \$1,180.00, respectively. Because these agreements to pay the vendors occurred during the 24-hour reporting period prior to the general election, the campaign was required to disclose the debts within 24 hours (on October 31 and November 2). The campaign filed the reports late on December 7, 2018, when the campaign paid the invoices, entered the payments into the Commission's e filing system and was prompted to file 24-Hour Reports. The preliminary penalties for the two late reports total \$2,011.85. Mr. Remick requests a waiver because he and his treasurer believed that financial transactions only needed to be reported when they accepted contributions or paid invoices.

LEGAL REQUIREMENTS

Candidates are required to file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or make an expenditure of \$1,000 or more. (21-A M.R.S.A. § 1017(3-A)(C)) Under 21-A M.R.S.A. § 1012(3)(A)(2) and the Commission's Rules (attached), a promise to pay a vendor for campaign goods or services or ordering goods or services constitutes an expenditure. If the candidate is late in filing a 24-Hour Report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is

greater, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A))

REQUEST FOR WAIVER

The late filing triggered the penalty process and Commission staff sent a letter notifying Mr. Remick of the preliminary penalties. Based on the statutory formula for calculating late-filing penalties, the two late-filing penalties total \$2,011.85:

Report	Due Date	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	10/31/2018	\$1,602.69	2%	37	\$1,185.85
24-Hour Report	11/02/2018	\$1,180.00	2%	35	\$826.00

In his January 9, 2019 letter requesting a waiver, Mr. Remick states that he and his treasurer “read the directions to mean a report would need to be filed only if we accepted contributions for the campaign and/or when we paid the invoices.” Though the mailer and radio ads were contracted during the 24-hour reporting period, Mr. Remick was unaware of the reporting requirement and thus did not report the expenditures until the invoices were paid. Mr. Remick acknowledges that his interpretation of the guidance was wrong, but feels that a penalty of this size is disproportionate to both the size of the campaign and the level of harm to the public. (The candidate spent \$8,099 to promote his election. He ran for the State Senate ten years ago in 2008, but was not required to file 24-Hour Reports in that race.)

STAFF RECOMMENDATION

24-Hour Reports play a valuable role in informing the electorate concerning how money is being received and spent to influence voters in the critical days just before an election. Candidates receive ample guidance, both physical and electronic, on the 24-hour reporting period as well as warning of its arrival. The reminder mailing for the 11-day pre-general report (attached) explained that the 24-Hour reporting requirement applies to debts of \$1,000 or more. (“Expenditures Means ... More than You Think!”) The duty to report debts and obligations is also discussed in the Candidate Guidebook and Candidate

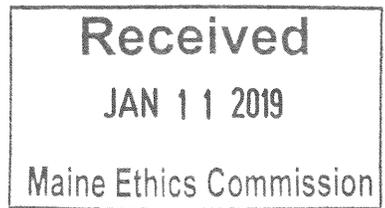
Quick Guide (see attached pages). Additionally, Commission staff is on hand by phone or email to answer any questions a candidate or treasurer might have.

In light of the higher penalty rates resulting from the 2015 citizen initiative, the Commission staff is recommending penalties in the range of \$300 - \$400 for the late filing of 24-Hour Reports for legislative and county candidates in the 2018 elections. This year, the Commission has reached the following decisions on waiver requests for late 24-Hour Reports:

Candidate	Preliminary Penalty	Final Penalty	Commission Decision Date
Costain, Danny (contested primary election)	\$2,991.36	\$300.00	08/29/18
Schwartz, Ian (contested primary election)	\$384.87	\$300.00	08/29/18
Dow, Dana	\$115.93	\$115.93	11/28/18
Collins, Jan	\$2,565.38	\$300.00	12/19/18

In this case, the Commission staff agrees that the preliminary penalties are disproportionately high. Because the late filing of two reports arose out of the same misunderstanding of legal requirements, we recommend viewing the two late reports as a single error and reducing the penalties to a total of \$400 for the two late reports. We view \$400 as a sufficient penalty to encourage attention to 24-Hour reporting requirements. The staff believes that a higher penalty for these violations would be disproportionate and could raise concerns among legislative candidates, leaders and staff about the size of the Commission penalties for mistakes resulting from a lack of attention or negligence.

Thank you for your consideration of this memo.



January 9 2019

To the Commission on Governmental Ethics,

RE: Mark Remick Notice of Violation and Penalty for Late-Filed 24 Hour Reports

Dear Commission,

I request a waiver of the penalties as outlined in the letter dated December 27, 2018. Although I now understand the last two expenses should have been filed when we placed the orders for the radio ads and the flier mailing, both my Treasurer and I read the directions to mean a report would need to be filed only if we accepted contributions for the campaign and/or when we paid the invoices. Upon review, I was wrong.

It seems campaign as small as this and the infractions as they are, might not raise to the level of the consequence as proposed. I believe this is a disproportional penalty for the mistakes made. Should we choose to participate in the process again, we will certainly pay more attention.

For these reasons, I ask for your consideration to waive the penalties.

Thank you,

A handwritten signature in black ink, appearing to be "Mark Remick".

Mark Remick

Former candidate for Maine State House

December 27, 2018

Mark Remick
PO Box 325
Trenton, Maine 04605

Re: Notice of Violation and Penalty for Late-Filed 24-Hour Reports

Dear Mr. Remick:

You were required to file a 24-Hour Report Report on October 31, 2018 and November 2, 2018 by 11:59 p.m., but the reports were not filed until December 7, 2018. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the reports late is \$2,011.85. Please see the next pages for the penalty calculation.

You may request that the Commission waive the penalties in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff, or the harm to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statements on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or erin.gordon@maine.gov if you have any questions.

Sincerely,



Erin Gordon
Candidate Registrar

cc: R. Fredrick Ehrlenbach



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2018 CAMPAIGN YEAR

COMMITTEE		TREASURER
Mr. Mark S Remick PO Box 325 Ellsworth, ME, 04605 PHONE:(207) 266-2024 EMAIL: mark@mainestorageplus.com		Mr. R. Fredrick Ehrlenbach 44 Bluff Point Rd Trenton, ME, 04605 PHONE:(207) 266-8804 EMAIL: rfe.ere@yahoo.com
REPORT	DUE DATE	REPORTING PERIOD
24 Hour Report of Contributions and Expenditures	10/31/2018	10/30/2018-10/30/2018

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,602.69
3. TOTAL DEBTS	\$0.00

I, R. Fredrick Ehrlenbach, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: R. Fredrick Ehrlenbach
REPORT FILED ON: 12/7/2018 2:03:19 PM
LAST MODIFIED:
COMMITTEE ID: 6219

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/30/2018	Knox and Osborn 409 HIGH STREET ELLSWORTH, ME, 04605	Radio advertisement	RAD	\$1,602.69
TOTAL EXPENDITURES FOR CANDIDATE:				\$1,602.69

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Mark Remick			
Late-Filed Report: 24-Hour Report			
Contributions	\$00	Penalty Base Amount	\$1,602.69
Expenditures	\$1,602.69	Percentage	2%
Due Date	October 31, 2018	Daily Accrual Rate	\$32.05
Date Filed	December 7, 2018	Days Late	37
Previous Violations	0	Your Total Penalty	\$1,185.85

Payment Statement and Payment Options

From: Mark Remick

Penalty Amount: \$1,185.85

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/1/2018	Spectrum Marketing Companies 95 EDDY ROAD SUITE 101 MANCHESTER, NH, 03102	Mailings	MHS	\$1,180.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$1,180.00



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2018 CAMPAIGN YEAR

COMMITTEE		TREASURER
Mr. Mark S Remick PO Box 325 Ellsworth, ME, 04605 PHONE:(207) 266-2024 EMAIL: mark@mainestorageplus.com		Mr. R. Fredrick Ehrlenbach 44 Bluff Point Rd Trenton, ME, 04605 PHONE:(207) 266-8804 EMAIL: rfe.ere@yahoo.com
REPORT	DUE DATE	REPORTING PERIOD
24 Hour Report of Contributions and Expenditures	11/02/2018	11/01/2018-11/01/2018

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,180.00
3. TOTAL DEBTS	\$0.00

I, R. Fredrick Ehrlenbach, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: R. Fredrick Ehrlenbach
REPORT FILED ON: 12/7/2018 2:03:31 PM
LAST MODIFIED:
COMMITTEE ID: 6219

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Mark Remick			
Late-Filed Report: 24-Hour Report			
Contributions	\$00	Penalty Base Amount	\$1,180.00
Expenditures	\$1,180.00	Percentage	2%
Due Date	November 2, 2018	Daily Accrual Rate	\$23.60
Date Filed	December 7, 2018	Days Late	35
Previous Violations	0	Your Total Penalty	\$826.00

Payment Statement and Payment Options

From: Mark Remick

Penalty Amount: \$826.00

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.

Gordon, Erin

From: Gordon, Erin
Sent: Wednesday, October 24, 2018 12:14 PM
Subject: 24-Hour Reporting Period ****STARTS TODAY****

Dear 2018 Candidates and Treasurers:

This is a friendly reminder that the 24-hour reporting period starts today, October 24th, and ends November 5th, the day before the election. All candidates are subject to the 24-hour reporting period. A 24-Hour Report must be filed within twenty-four hours of the triggering transaction, regardless of holidays or weekends. Qualifying transactions that take place on November 5th must be filed on Election Day (or same day).

- 24-Hour Reports must be filed when:
 - A single contribution of \$1,000 or more is received (including loans)
 - A single expenditure of \$1,000 or more is made (including debts)
 - A debt occurs when an order for goods or services is placed, not when the campaign pays the vendor or receives an invoice or receipt.
- 24-Hour Reports may be filed by:
 - Entering the transaction into E-Filing, and then filing the newly created 24-Hour Report
 - Make sure you complete the filing process, and see a screen that confirms you filed a report
 - Faxing the Commission a paper 24-Hour Report – (207) 287-6775
 - Emailing the Commission a scan of a paper 24-Hour Report
- Not sure about how to file, or if you need to file a 24-Hour Report? Please do not hesitate to call or email me!

Thank you,

Erin Gordon
Candidate Registrar
Maine Ethics Commission
(207) 287-3651 | www.maine.gov/ethics
135 State House Station, Augusta, ME 04333-0135
45 Memorial Circle, Augusta, ME



Commission on Governmental Ethics and Election Practices October 4, 2018
 Located at 45 Memorial Circle, Augusta, Maine 04330
 (207)287-4179 | Website: www.maine.gov/ethics

11-DAY PRE-GENERAL FILING REMINDER FOR MCEA CANDIDATES

Campaign Finance Report Due October 26, 2018

REPORT	DEADLINE	REPORT PERIOD
11-Day Pre-General	Friday, October 26, 2018 by 11:59 p.m.	Sept. 19 through Oct. 23
→ 24-Hour Reports	Within 24 hours of making a single expenditure of \$1,000 or more. If the deadline falls on a weekend, the report must still be filed by the deadline.	Oct. 24 through Nov. 5

Inside this issue:

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To log into the e-filing system:

- Go to the Commission's e-filing website: www.mainecampaignfinance.com
- Click the blue "Register/Sign In" button
- Click "Sign In"
- Enter your user name and password. If you have any problems logging in, please contact the Commission as soon as possible. Staff will be available until 5:00 p.m. on the deadline.
- MCEA candidates can enter transactions into the e-filing system but cannot file the report. The report must be filed by the treasurer or deputy treasurer.

Filing Tip: Get Started Early

You do not have to wait until the filing deadline to enter expenditures into the e-filing system. You can enter them on a weekly or daily basis and avoid a last minute rush. The system will store the information as you enter and save it. Nothing will be available to the public until you actually file the report by clicking the "File Report" button.

You don't have to wait until October 26th to file the report. If you have finished entering all your expenditures, you can file the report anytime before 11:59 p.m. on October 26th.

Filing Tip: Reporting Reimbursements Correctly

When a candidate, campaign worker or volunteer uses their own personal funds (e.g., uses a personal credit card) to pay for goods or services for the campaign, the campaign has to reimburse that person.

To report a reimbursement to a candidate, campaign worker or volunteer, the name of the payee is the **name of the vendor** from which the goods/services were obtained, **not the person who was reimbursed**.

For example, a candidate uses her own credit card to pay Staples for printing flyers. To report the reimbursement correctly, enter Staples as the payee, the amount of the purchase and the date the purchase was made (not the date of the reimbursement). In the explanation for the expenditure, enter "Reimbursed candidate on October 21 for cost of printing flyers."

COMMISSION PHONE NUMBERS

Emma Burke	287-4727
Tim Goodhue	287-4709
Erin Gordon	287-3651
Main Line	287-4179

Have questions?
Call us!

24-Hour Reports: What, When and How?

What is a 24-Hour Report:

- If a candidate makes a single expenditure or obligation of \$1,000 or more from October 24 through November 5, the candidate must file a 24-Hour Report (see calendar below).
- Overhead costs, such as rent, taxes, utilities and some salary payments are not required to be reported in a 24-Hour Report.

When to file 24-Hour Reports:

- Within 24 hours of making the expenditure or incurring the obligation (see side bar).
- A report must be filed on a weekend if that is when it is due – you cannot wait until the next business day.
- Expenditures made on the day before the election must be reported on election day.

How to file 24-Hour Reports:

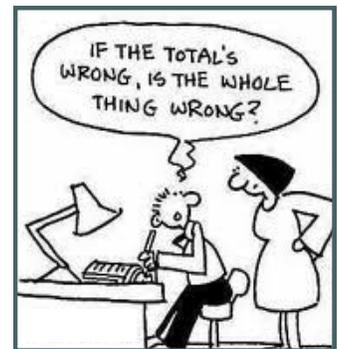
- In the e-filing system:
 1. Enter the expenditure into the system as you would for any expenditure.
 2. The system will alert you that you will have to file a 24-Hour Report and add the report to your filing schedule.
 3. Click the [link to file the report from the notification on your efilng homepage](#)
- Paper filers: The report can be filed in person or by fax.

Expenditure Means . . . More Than You Think!

An expenditure occurs not only when a payment is made but also when the following happens:

- placement of an order;
- signing of a contract;
- promise or agreement (including an implied one) that payment will be made; and
- delivery of a good or service by a vendor.

A 24-Hour Report must be filed within 24 hours when any of the above occurs.



2018 GENERAL ELECTION 24-HOUR REPORT PERIOD						
OCTOBER 24, 2018 – NOVEMBER 5, 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 21	22	23	Starts on 24	25	26	27
28	29	30	31	Nov 1	2	3
4	5	6 Election Day	7	8	9	10

Campaign Signs

Treasurer Tips:

Campaign Records – Bank Statements & Cancelled Checks

Maine Election Law requires campaigns to obtain and keep certain records to document their financial activity. Records concerning the campaign’s bank account are an important part of these records.

If the campaign uses electronic banking and receives only electronic copies of records, the campaign must make sure that they print monthly statements and copies of cancelled checks or request copies from the financial institution. Some institutions make electronic records available for a limited time. Know your institution’s policy and plan accordingly.

Reporting Mileage Reimbursements

When reporting mileage reimbursements, enter the number of miles, the date range and the campaign purpose for the travel in the “Explanation of Purpose” section. Make sure that you get the travel log from the individuals who receive mileage reimbursements from the campaign.

It is against the law to unlawfully remove, deface or disturb political signs.

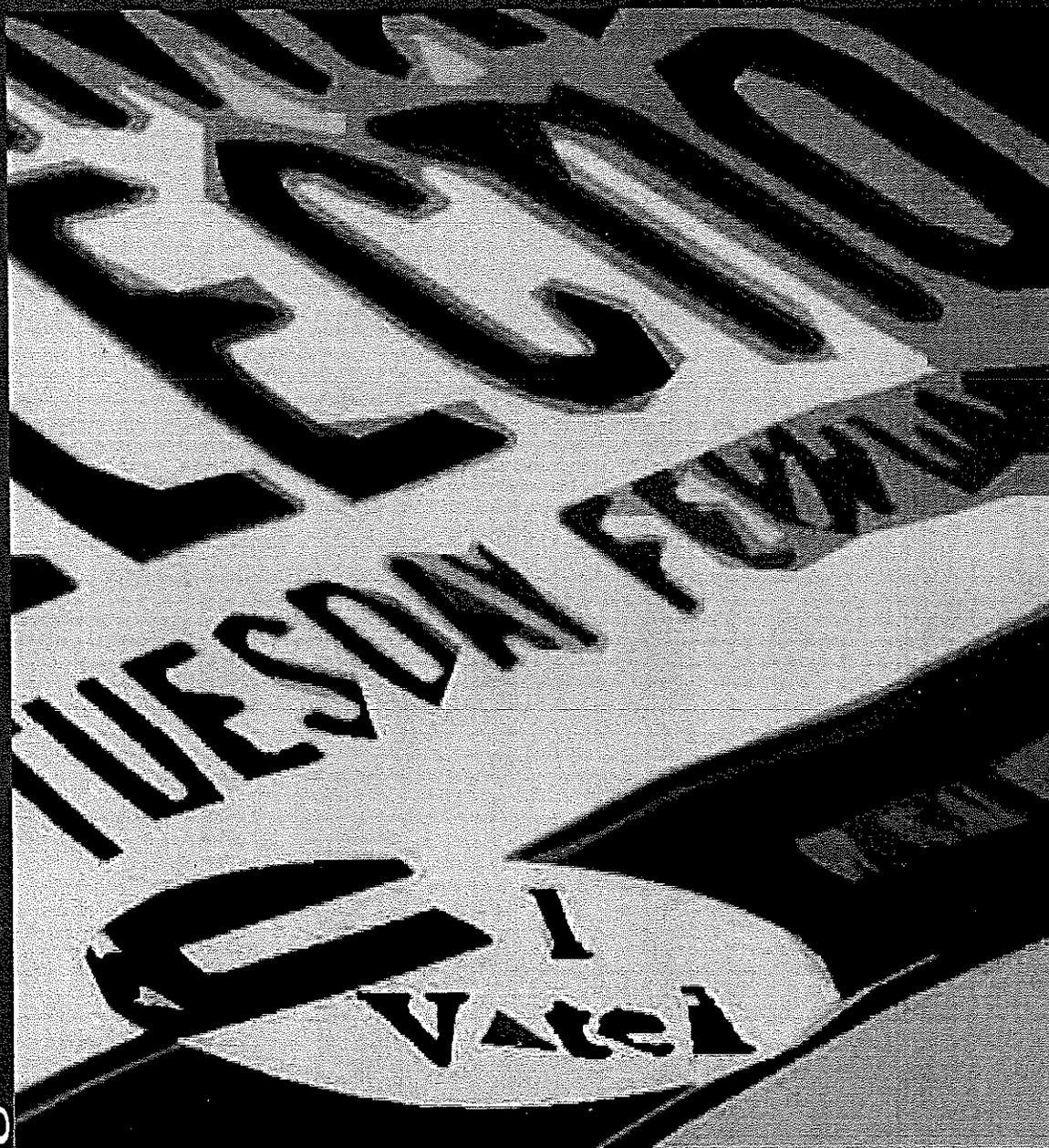
The Commission does not have jurisdiction over the *placement* or *removal* of signs. Please contact the Department of Transportation (207) 624-3211 about sign placement or your local law enforcement agency about unlawful removal of campaign signs.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333

2018 Candidate Guidebook

Running for Office in Maine

Maine Clean Election Act
Legislative Candidates





2018 FILING SCHEDULE FOR MCEA CANDIDATES

NAME OF REPORT	DEADLINE	REPORT PERIOD
Seed Money	April 20, 2018 <i>May be filed early or extended by one week</i>	Beginning of campaign - April 20, 2018 <i>(or earlier when Request for Certification is made)</i>
11-Day Pre-Primary	June 1, 2018	End date of Seed Money Report - May 29, 2018
42-Day Post-Primary	July 24, 2018	May 30 - July 17, 2018
42-Day Pre-General	September 25, 2018	July 18 - September 18, 2018
11-Day Pre-General	October 26, 2018	September 19 - October 23, 2018
42-Day Post-General	December 18, 2018	October 24 - December 11, 2018

If any transactions were not included in a report that has already been filed, the treasurer must amend that report. When completing or amending reports, candidates and their treasurers are encouraged to call the Commission staff with any questions.

REQUIRED REPORTS

Semiannual Report for Candidates with Financial Activity in 2017. If a candidate raises or spends more than \$500 before December 31, 2017, the treasurer must file a 2018 January Semiannual Report no later than January 16, 2018, covering all financial activity since registration.

Seed Money Report. The Seed Money Report is required for MCEA candidates. Treasurers file the report when their candidates request certification, which may be at any time prior and up to the certification deadline of April 20, 2018. Candidates may request a one week extension for the Seed Money Report on the Request for Certification Form.

The Seed Money Report includes all seed money contributions received and expenditures made prior to the certification deadline, except for transactions disclosed in a semiannual report, if filed.

The Commission staff reviews all Seed Money Reports to verify that all contributions and expenditures comply with the seed money restrictions. The Commission staff may also request records and documentation to verify the information in the report.

Required Pre- and Post-Election Reports for All Candidates. Treasurers are required to file campaign finance reports according to the schedule found in the table above. Each report covers a specific time period and must include all activity within that period.

24-Hour Reports. The 24-hour reporting requirement applies during the 13-day period prior to an election (calendar above). A 24-Hour Report must be filed within twenty-four hours when a candidate:

- receives a single MCEA payment of \$1,000



**2018 PRIMARY ELECTION 24-HOUR REPORTING PERIOD
MAY 30, 2018 – JUNE 11, 2018**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 27	May 28	May 29	May 30 BEGINS	May 31	June 1	June 2
June 3	June 4	June 5	June 6	June 7	June 8	June 9
June 10	June 11 ENDS	June 12 Primary Election	15	16	17	18

**2018 GENERAL ELECTION 24-HOUR REPORTING PERIOD
OCTOBER 24, 2018 – NOVEMBER 5, 2018**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
October 21	October 22	October 23	October 24 BEGINS	October 25	October 26	October 27
October 28	October 29	October 30	October 31	November 1	November 2	November 3
November 4	November 5 ENDS	November 6 General Election	9	10	11	12

HOW TO FILE 24-HOUR REPORTS:

- File reports electronically. E-Filing will create a 24-Hour Report to file after the transaction is added.

WHEN TO FILE 24-HOUR REPORTS:

- Within twenty-four hours of the MCEA payment, expenditure, or debt or obligation.
- A report must be filed on a weekend or holiday if that is when it is due.
- Qualifying transactions taking place on the day before an election must be reported on election day.

or more; or

- makes a single expenditure or incurs an unpaid debt or obligation of \$1,000 or more.

24-hour reporting.

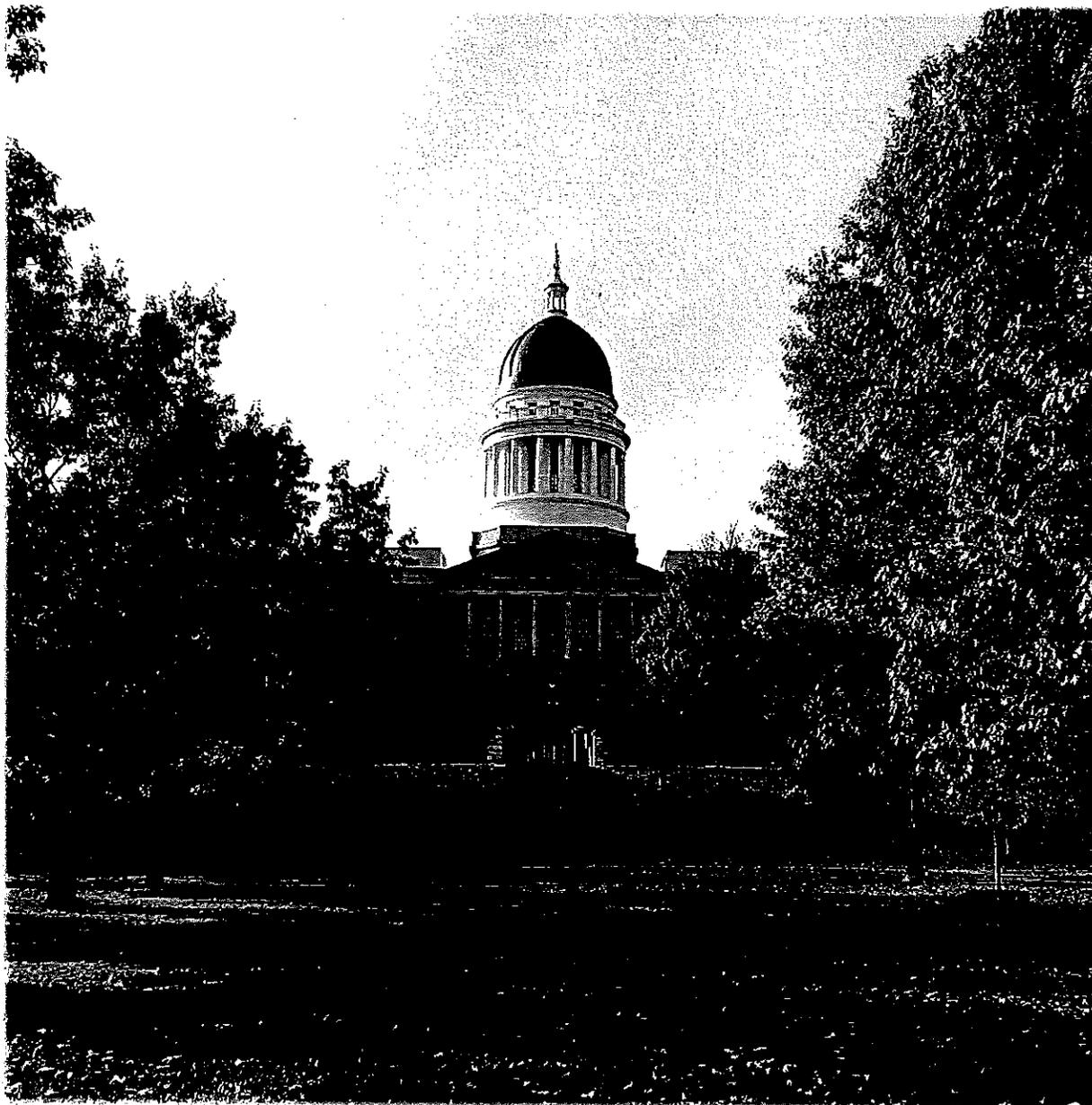
Any transactions disclosed in a 24-Hour Report will be automatically entered into the next campaign finance report in the E-Filing system.

An MCEA payment of \$1,000 or more received during the 24-hour reporting period must be reported on a 24-Hour Report.

If a candidate incurs a debt or obligation with a vendor during the 24-hour reporting period, his or her treasurer must report the debt or obligation within twenty-four hours, regardless of when the vendor is paid. The table below lists actions which constitute incurring a debt or obligation. Overhead costs, such as rent, taxes, utilities, and some salary payments, are exempt from

UNPAID DEBTS AND OBLIGATIONS WHICH ARE REPORTABLE IN 24-HOUR REPORTS
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

2018 Candidate Quick Guide



Maine Clean Election Act Legislative Candidates

Maine Commission on Governmental Ethics and Election Practices

135 State House Station, Augusta, ME 04333

(207) 287-4179 | ethics@maine.gov

MAKING & REPORTING EXPENDITURES

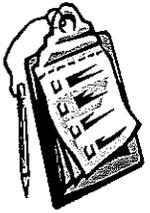
Candidates must spend their MCEA funds for campaign-related purposes and not for other purposes, such as the candidate's personal benefit, party-building, or to promote another candidate's campaign. MCEA candidates should be aware of the Expenditure Guidelines (included in this packet), and that some 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.

21-A MRSA § 1012. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

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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

Commission Rules, Section 7(3). Timing of Reporting Expenditures

- A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service.
- B. Expenditures must be reported at the earliest of the following events:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The delivery of a good or the performance of a service by a vendor;
 - (4) A promise or an agreement (including an implied one) that a payment will be made; or
 - (5) The making of a payment for a good or service.
- C. At the time the duty to report an expenditure arises, the person submitting the report is required to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the expenditure involves more than one candidate election, the report must include an allocation of the value to each of those candidate elections.

year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

→ C. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- B. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- C. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

21-A § 1020. Failure to file on time (REPEALED)

21-A § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. Basis for penalties. (REPEALED)

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties. (REPEALED)

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;