



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

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: September 19, 2016
Re: Request for Waiver of Late-Filing Penalty by Hon. MaryAnne Kinney

State Representative MaryAnne Kinney (District 99) is running for re-election as a Maine Clean Election Act (MCEA) candidate. She had no opponent in the June 14, 2016 primary election. On July 26, 2016, all candidates for state office were required to file the 42-Day Post-Primary campaign finance report. Rep. Kinney's report was filed two days late, on July 28, 2016. The preliminary penalty is \$200; the Commission staff recommends a 50% reduction.

LEGAL REQUIREMENTS

Candidates are required to file reports with the Commission no later than 11:59 p.m. on the 42nd day after the date on which an election is held, and reports must be complete as of the 35th day before that date. (21-A M.R.S.A. § 1017(3-A)(D)) If the candidate is late in filing a regularly scheduled campaign finance 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))

DISCUSSION

Rep. Kinney was in an uncontested primary election; her MCEA payment for the general election was issued on June 13, 2016. The 42-Day Post-Primary Report covered the seven-week period of June 1 to July 19, 2016. She was required to include in the report her receipt of a \$5,000 MCEA payment and two July 1 expenditures totaling around \$90. (When making the MCEA payment, the Commission staff entered the payment on the candidate's behalf.) The late report is attached for your reference.

On July 27, the Commission’s efilings system sent an automated email notifying Rep. Kinney and her treasurer, Carol Weston, that the report had not yet been filed. Candidate Registrar Erin Gordon personally sent emails to the candidate and treasurer on July 27 and 28. The candidate contacted the Commission staff on July 28 to confirm that she would be in touch with her treasurer to file the report that afternoon.

The preliminary penalty is calculated as follows:

Report	Due Date	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Post-Primary	07/26/2016	\$5,000.00	2%	2	\$200.00

In her request for a waiver, Rep. Kinney states that she had been traveling out of state during the week prior to the deadline and, being away from her home computer, did not receive the email reminders as the deadline approached. (A sample of these automated email reminders sent to another candidate is attached for your reference.) When Rep. Kinney arrived home, she discovered that her internet service was unavailable because her modem had been damaged by severe thunderstorms. It was July 28 before she had the replacement modem and was able to get service restored. Upon retrieving her email the morning of July 28, she contacted the Commission and filed her report.

Rep. Kinney stated that her treasurer had been waiting on the candidate to enter the expenditures. Once the transactions were entered, Ms. Weston filed the report. Rep. Kinney has since updated the email address on file with the Commission so that all future reminders and correspondence can be retrieved on her smartphone, regardless of the status of her home internet.

RECOMMENDATION

The Commission staff recommends reducing the penalty to \$100. We see the level of the harm to the public as small because the report contained the candidate’s receipt of \$5,000 in MCEA funds and two expenditures totaling around \$90. The report was filed two days following the deadline with more than three months to go before the general election and the candidate has since taken steps to ensure that this violation will not be duplicated.

The internet service interruption was a contributing factor, after she returned to Maine.

The Commission staff does not recommend a full waiver, because (as outlined below) the candidate and treasurer had sufficient notice of the July 26 filing requirement. Had the candidate been aware of the deadline, she could have provided the information concerning the two payments to the treasurer by phone to file the report (date, amount, purpose, and payee). The automated email reminders prior to the deadline are intended to be helpful, but they are a notice of last resort. The filing deadlines are posted in a number of places within the Commission's educational materials, and we hope that most candidates and treasurers will plan ahead and enter the filing deadlines in a calendar or diary:

- A few weeks before the July 26 deadline, the Commission staff sent a reminder in a newsletter format by U.S. Mail to both the candidate and the treasurer. (A copy is attached. It is printed on one large sheet of 11 x 17 cardstock that is folded in half similar to a restaurant menu, and then folded again for mailing.)
- A calendar of the filing deadlines is included in the 2016 Quick Guide that was mailed to *every* candidate upon registering. (relevant page attached)
- The official candidate filing schedule (attached) is posted on the Commission website and a paper version was made available to candidates in the Registration packet of forms that many candidates received from their caucus or the Commission.

We note that the first automated email was sent to the candidate and treasurer two weeks before the filing deadline, which seems to have preceded the candidate's trip out of state. (*See* attached sample email.) Also, both the candidate and treasurer have previously run campaigns for the Legislature, and know that campaign finance reports are due on the deadlines during the election year. Thank you for your consideration of this memo.

Representative MaryAnne Kinney
40 Maple Ln
Knox, ME 04986

September 12, 2016

Attn: Erin Gordon
State of Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333-0135

Dear Erin,

Thank you for your assistance with my late filing of my 42 Day Post-Primary Report. I had been out of state the week prior to the report needing to be filed and had not entered my expenditures for my treasurer. Upon my return home I discovered our internet had been knocked out by severe thunderstorms while I was away which damaged my modem and left me without internet service. Two days after the report was due I finally got my internet service back and immediately worked with you and my treasurer, Carol Weston, to get the report done.

I hope you will consider this to be a valid emergency for a waiver of penalty and look forward to your response.

Sincerely,

Rep. MaryAnne Kinney
HD 99



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

2016 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
MARYANNE KINNEY 40 MAPLE LANE KNOX, ME 04986 PHONE: (207) 568-7577 EMAIL: MAPLENUTS@UNINET.NET		CAROL WESTON 154 CHOATE ROAD MONTVILLE, ME 04941 PHONE: (207) 592-8835 EMAIL: IREWESTON@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-PRIMARY REPORT	07/26/2016	06/01/2016 - 07/19/2016	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$500.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$850.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$5,000.00	\$5,500.00
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$90.61	\$940.61
7. CASH BALANCE AT CLOSE OF PERIOD	\$5,409.39	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: CAROL WESTON
REPORT FILED ON: 07/28/2016
LAST MODIFIED: 07/28/2016
PRINTED: 09/13/2016
COMMITTEE ID: 9075

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
6/13/2016	MCEA Payment		15	\$5,000.00
TOTAL CASH CONTRIBUTIONS				\$5,000.00

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
7/1/2016	AC MOORE BANGOR PARKSIDE SHOPPING CENTER BANGOR, ME 04401	PURCHASED T-SHIRTS FOR PARADE	LIT	\$51.07
7/1/2016	STAPLES 180 BANGOR MALL BLVD BANGOR, ME 04401	BLANK POSTCARDS AND BUSINESS CARDS TO PRINT FOR VARIOUS EVENTS IN WHICH I PARTICIPATE	OFF	\$39.54
TOTAL EXPENDITURES FOR CANDIDATE:				\$90.61



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

July 28, 2016

Maryanne Kinney
40 Maple Lane
Knox, ME 04986

Re: Notice of Violation and Penalty for Late-Filed 42-Day Post-Primary Report

Dear Representative Kinney:

You were required to file the 42-Day Post-Primary Report on 07/26/2016 by 11:59 p.m., but the report was not filed until 07/28/2016. 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 report late is \$200.00. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty 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 level of experience of the person filing the report 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 statement 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: Carol Weston

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: Maryanne Kinney			
Late-Filed Report: 42-Day Post-Primary			
Contributions	\$5,000.00	Penalty Base Amount	\$5,000.00
Expenditures	\$90.61	Percentage	2%
Due Date	07/26/2016	Daily Accrual Rate	\$100.00
Date Filed	07/28/2016	Days Late	2
Previous Violations	0	Your Total Penalty	\$200.00

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Maryanne Kinney

Penalty Amount: \$ 200.00

Penalty ID: N/A

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment so that it will be properly accounted for.

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. Please include the penalty ID so that your payment will be properly accounted for.



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

September 7, 2016

Maryanne Kinney
40 Maple Lane
Knox, ME 04986

Re: Notice of Delinquent Penalty Payment

Dear Rep. Kinney:

You were assigned a preliminary penalty of \$200.00 on July 28, 2016, due to a late-filed 42-Day Post-Primary Report. 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.

This is your second notice regarding this penalty payment, as you were given 14 days to pay the penalty, or request a waiver of the penalty. The staff has yet to receive either of the two.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice, or request a waiver. Failure to do so will result in the forwarding of this penalty to the Office of the Attorney General for collection. Please pay by mail or you may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact the Commission staff at (207) 287-4179 or ethics@maine.gov if you have any questions.

Sincerely,


Erin Gordon
Candidate Registrar

Sample automated email sent to candidates and their treasurers two weeks before filing deadline

(actual email sent to Candidate Gary Capehart)

From: ethics@maine.gov <ethics@maine.gov>
Sent: Tuesday, July 12, 2016 5:25 AM
To: GARY27BU@MSN.COM
Subject: REPORT DUE REMINDER FOR GARY E CAPEHART

Maine Ethics Commission
135 State House Station
Augusta ME 04333-0135
207-287-4179

07/12/2016

GARY E CAPEHART
Candidate

REMINDER OF UPCOMING REPORT FILING DEADLINE

Your next report (42-DAY POST-PRIMARY REPORT) must be filed no later than 11:59 p.m. on 07/26/2016.

To file your report, log into the e-filing website at www.mainecampaignfinance.com. If you need assistance in filing this report or have questions about the reporting requirements, please contact the Maine Ethics Commission staff at (207) 287-4179, or by email at ethics@maine.gov.

If you believe you have received this e-mail in error, please contact us so that we can correct our records. Thank you.

42 DAY POST-PRIMARY REPORT REMINDER FOR MCEA CANDIDATES



Campaign Finance Report Due July 26, 2016

Inside this issue:

REPORT	DEADLINE	REPORT PERIOD	
42-Day Post-Primary Report	Tuesday, July 26, 2016 by 11:59 p.m.	June 1 through July 19, 2016	

2	Candidates Defeated in the Primary
2	Tool for Identifying Reporting Errors
2	Keep Complete Records
3	Reimbursements for Mileage and Fuel
3	Payments for Salary and Consulting
3	Payments to Family and Household Members

REMINDER!



42-Day Post-Primary Report Deadline: July 26, 2016 by 11:59 p.m.

Page 1 of 11

Inside:
 Important Filing Reminder!
 &
 Tips to Help with Reports!

MAINE ETHICS COMMISSION
 135 State House Station
 Augusta, ME 04333-0135

42 DAY POST-PRIMARY REPORT REMINDER FOR MCEA CANDIDATES



Campaign Finance Report Due July 26, 2016

Inside this issue:

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2	Keep Complete Records
3	Reimbursements for Mileage and Fuel
3	Payments for Salary and Consulting
3	Payments to Family and Household Members

All MCEA candidates are required to file campaign finance reports electronically using the Commission's e-filing system except candidates who submitted an e-filing waiver and are filing on paper forms.*

To log into the E-Filing system:

- Go to the Commission's e-filing website: www.mainecampaignfinance.com.
- Click the blue "Filer Login" button.
- Enter your user name and password. If you have any problems logging in, please contact the Commission as soon as possible before the filing deadline.
- Only Treasurers are allowed to file the completed financial report; MCEA candidates cannot file the report.

Filing Tip: Preview

Before clicking the "File" button, review the entire report to ensure accuracy. Use the "Preview" button on the "File Campaign Finance Report" screen. As a MCEA candidate, your report must disclose every dollar of public funds spent on your campaign.

File Campaign Finance Report

Report Name: 42-DAY POST-PRIMARY REPORT Report Due Date: 07/26/2016

Committee: Candidate Reporting Period: 06/01/2016 through 07/19/2016

Committee Type: Candidate Committee ID: 139

Preview: Review the report detail before submitting.
 File: File this report.
 Go Back: Return to the Filings Administration page. (Data will be saved but report will not be filed.)

Filing Tip: To View Filed Reports

To view and print a filed report, click the Filings tab. All reports you have filed will be listed in the "Filing History" table. Click "View" to see the report.

Report	Period Begin	Period End	Due Date	Filed	Amended	View	Amend
42-DAY POST-PRIMARY	5/28/2014	7/15/2014	7/22/2014	7/3/2014	No	View	Amend
1-DAY PRE-PRIMARY	4/2/2014	5/27/2014	5/30/2014	5/30/2014	Yes	View	Amend
SEED MONEY	11/7/2012	4/1/2014	4/22/2014	4/1/2014	Yes	View	Amend
Candidate Registration				1/9/2014	No	View	Amend

* For candidates filing on paper, the Commission's fax machine operates 24 hours a day. However, staff will be available only until 5:00 p.m. on 7/26/2016 to confirm receipt of a faxed report and to offer assistance and answer questions about filing reports.

Candidates Defeated in the Primary Election: Closing Out Your Campaign

If you were defeated in a primary, the 42-Day Post-Primary Report is the final report of your campaign. Please remember to:

- pay all of your unpaid obligations by Tuesday, July 19; and
- return all unspent MCEA funds at the time you file your report.

Returning Unspent Funds. If the cash balance shown on your final campaign finance report (Line 7 of Financial Activity Summary) differs from the amount of unspent MCEA funds that you have in your campaign bank account, *return the amount in your bank account.* Please also contact your candidate registrar by email or phone. They will assist you in identifying any reporting error(s). An accounting tool found in the Financial section of the e-filing system may help you in reconciling your balances and in finding reporting errors (see below).

Use E-Filing to Identify Reporting Errors

Creating an Excel file of your expenditures is a great tool to use when reconciling bank and report balances and finding reporting errors. To create an Excel file of your campaign's expenditures, go to the "Enter/Amend Transactions" tab, and click on "Search." Select "Expenditures" as the type of transaction you want to view. To view all expenditures, simply click "Search" in the lower left-hand corner. A results grid containing all of your expenditures will appear. To export into an Excel document, click on the second icon after "Export To."

The screenshot shows the 'Search Expenditures' interface. It includes a 'Welcome back' message, a 'Help with this page' link, and a 'Search Expenditures' section with a 'Type' dropdown set to 'All'. Below this are fields for 'Date From', 'Date Thru', 'Minimum Amount', 'Maximum Amount', and 'Filing Status' (with radio buttons for 'All', 'Filed', and 'Un-filed'). There are also fields for 'Payee', 'Last Name Organization', 'City', 'First Name', and 'State'. A 'Search' button is highlighted with a red circle. Below the search fields is an 'Export To:' section with icons for PDF, Excel, and Print, also highlighted with a red circle. A 'Search Results Summary' table shows 'Summary Groupings' with a 'Total' of '\$2,256.17' for 'Monetary (Itemized)'. A 'Search Results Detail' section is visible below the table. A cartoon character holding a megaphone is positioned to the right of the search results.

Keep Complete Campaign Records

Tracking expenditures and maintaining all campaign finance records is important because these records document that MCEA funds were spent for campaign purposes. You are also required to keep and maintain campaign records for 3 years after the election.

- ☑ If you don't receive bank account statements by mail, print copies of your account statement monthly.
- ☑ Use your campaign account for all expenditures. This provides a complete record, reduces reporting errors, and makes reporting easy.
- ☑ Avoid cash/ATM withdrawals for purchases and reimbursements. It inevitably results in reporting errors. If the receipt/invoice is lost, it may result in an unallowable expenditure.
- ☑ Obtain receipts for all purchases of more than \$50.
- ☑ Keep "proof of payment" for all expenditures, such as a cancelled check, cash receipt, or debit/credit record in the campaign bank account or credit card statement.

Maine Clean Election Act
Legislative Candidates



2016 Candidate Guidebook
Running for Office in Maine

SEE THE 2016 CANDIDATE GUIDEBOOK
FOR INFORMATION ON:
Record Keeping Pages 34-38



Questions?
Call:
(207) 287-4179
Mon. - Fri.
8 a.m. - 5 p.m.

Travel Log Requirement for Mileage Reimbursements and Fuel Purchases

Campaigns may use MCEA funds to reimburse the candidate, campaign workers, or volunteers for travel, provided that the campaign follows a few steps:

- The person being reimbursed with MCEA funds must keep a contemporaneous log of their campaign travel.
- We recommend that you use the sample travel log found on pages AG – A7 of the 2016 Candidate Guidebook.
- The amount of the reimbursement must be no more than \$0.44 per mile multiplied by the number of miles documented in the logs.
- Campaigns must keep the logs for three years.

On page 37 of the Guidebook, you will find a more detailed explanation of the required documentation for mileage reimbursements including a travel log that is completed *contemporaneously* when the travel occurs (not at the end of the report period or campaign). Mileage reimbursements and fuel purchases based on incomplete logs (logs that do not meet the requirements) will be disallowed.

Detailed Description of the Campaign Purpose REQUIRED. Logs must contain a specific purpose and destination of the travel. See the table below for examples of acceptable descriptions.

ACCEPTABLE DESCRIPTIONS OF CAMPAIGN PURPOSE:	
Door-to-door campaigning in Lowell	County party meeting/Machias
Doors in Acton and Lebanon	House party in Topsham
Parade/Kennebunkport	Candidate training/Augusta
Meeting with volunteers in Surry	Picking up signs in Presque Isle
"Campaigning" "Doors" "Meeting" - ARE NOT ACCEPTABLE DESCRIPTIONS	

Payments for Salary and Consulting Services

For payments of \$500 or more to campaign staff or for consulting services, you must keep a contemporaneous document (e.g., invoice, contract, timesheet, or other record) specifying in detail the services provided, the amount paid, and the basis for the compensation. See page 36 of the 2016 Candidate Guidebook.

Restrictions and Prohibitions:

Payments to Family and Household Members

There are restrictions on payments to the candidate, members of the candidate's immediate family and household, and to businesses and non-profits affiliated with the candidate, candidate's immediate family and household members.

If you are contemplating paying a family or household member, call the Commission for guidance to ensure compliance with the MCEA program. See page 26 of the 2016 Candidate Guidebook.

A travel log should include a statement from the person being reimbursed for campaign-related travel that the information in the log is an accurate record of the date, purpose, and mileage claimed.

MCEA EXPENDITURE GUIDELINES

Expenditures must be campaign related. MCEA candidates must spend public funds only on campaign-related expenses and not for other purposes, such as personal use, or promoting other candidates, social causes, or charities. The expenditure guidelines established by the Commission explain allowable and prohibited expenses. There is guidance on specific purchases, such as travel, food, lodging, equipment, salary, and compensation. See pages 24-25 of the Guidebook.

MCEA funds can be used to reimburse a member of the candidate's family or household for campaign purchases made by those individuals. When the campaign reports a reimbursement, the family or household relationship ("husband" or "roommate") must be entered into the explanation section for the expenditure.



2016 GENERAL INFORMATION - MAINE CLEAN ELECTION ACT CANDIDATES

Introduction

Dear Candidate:

Thank you for registering as a legislative candidate in Maine's 2016 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 2016 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, 2016	Date of Registration	Date of Certification
11-Day Pre-Primary Report	June 3, 2016	End of Seed Money Report	May 31, 2016
42-Day Post-Primary Report	July 26, 2016	June 1, 2016	July 19, 2016
42-Day Pre-General Report	September 27, 2016	July 20, 2016	September 20, 2016
11-Day Pre-General Report	October 28, 2016	September 21, 2016	October 25, 2016
42-Day Post-General Report	December 20, 2016	October 26, 2016	December 13, 2016
24-Hour Reporting Periods**			
June 1 - June 13, 2016 (before the Primary Election)			
October 26 - November 7, 2016 (before the General Election)			

* Candidates who collect **more than \$500 in seed money before January 1, 2016** must file a *January Semiannual Report* by **January 15, 2016**. Their Seed Money Report would then have a Period Begin Date of **January 1, 2016**.

** In the thirteen days prior to an election, campaigns are responsible for filing 24-Hour Reports if they **accept a single contribution 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.



2016 FILING SCHEDULE

For Maine Clean Election Act Legislative Candidates

PRIMARY ELECTION: JUNE 14, 2016

GENERAL ELECTION: NOVEMBER 8, 2016

TYPE OF REPORT	FILING DEADLINE (BY 11:59 P.M.)	REPORT PERIOD
Seed Money Report*	April 20, 2016	Date of first seed money contribution – date of certification request For Senate candidates who filed a <u>Semiannual Report</u> *: January 1, 2016 – date of certification request
11-Day Pre-Primary	June 3, 2016	End of Seed Money Report — May 31, 2016
42-Day Post-Primary	July 26, 2016	June 1 — July 19, 2016
42-Day Pre-General	September 27, 2016	July 20 — September 20, 2016
11-Day Pre-General	October 28, 2016	September 21 — October 25, 2016
42-Day Post-General	December 20, 2016	October 26 — December 13, 2016
*PLEASE NOTE: Candidates collecting more than \$500 in seed money contributions in 2015 must file a 2016 January Semiannual campaign finance report by 11:59 p.m. on January 15, 2016 showing all seed money contributions and expenditures through December 31, 2015.		

24-HOUR REPORTS

24-HOUR REPORTING PERIODS (13 DAYS BEFORE THE ELECTION)	WHAT TO REPORT	WHEN TO FILE
Primary: June 1 – June 13, 2016 General: October 26 – November 7, 2016	Any single expenditure of \$1,000 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligations are made.	<u>Within 24 hours</u> , including weekends and holidays, of making the expenditure, incurring the obligation, or placing the order.

HOW TO FILE REPORTS

Using the Commission's Website. Candidates who receive or expect to receive at least \$1,500 for their campaigns must file reports electronically on the Commission's website. Candidates or treasurers must enter the required information and the treasurer must click "File Report" by 11:59 p.m. on the filing deadline. Candidates who lack access to the technology or the technological ability to file reports on the internet may request a waiver by April 15, 2016. The Commission will grant all reasonable requests.

Using Paper Forms. For candidates who are not required to file electronically, each original campaign finance report signed by the candidate and treasurer must be properly filed with the Commission by the filing deadline, except in two circumstances. A properly signed report may be faxed to the Commission office at (207) 287-6775 by 11:59 p.m. on the deadline, provided that the Commission receives the original report within 5 calendar days. A report mailed to the Commission by certified or registered mail and postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Commission staff will be available until 5:00 p.m. on filing deadlines to offer assistance to candidates and campaign staff.

not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election.

C. 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.

D. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the 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.

E. 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.

F. 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 E must be reported as provided in this paragraph. The treasurer of a candidate or political committee 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.

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election.

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

3. Other candidates. (REPEALED)

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar

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;