



APPENDIX

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Definition of Contribution and Expenditure

(21-A M.R.S.A. §1012(2) and (3))

2. Contribution. The term "contribution:"

A. Includes:

- (1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- (3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and
- (4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

B. Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$100 with respect to any election;
- (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;



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- (4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;
 - (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
 - (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
 - (6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
 - (7) Compensation paid by a state party committee to its employees for the following purposes:
 - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
 - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
 - (c) Coordinating campaign events involving 3 or more candidates;
 - (8) Campaign training sessions provided to 3 or more candidates;
 - (8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
 - (8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;
 - (8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;
 - (9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or
 - (10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.



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 political 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 supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition or circulating an initiated petition; and

B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate, or candidate's immediate family;
- (1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;
- (2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
- (3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$100 with respect to any election;



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- (5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;
 - (5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
 - (6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;
 - (7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
 - (8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;
 - (9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
 - (10) Compensation paid by a state party committee to its employees for the following purposes:
 - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
 - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
 - (c) Coordinating campaign events involving 3 or more candidates;
 - (10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
 - (11) Campaign training sessions provided to 3 or more candidates;
 - (11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes; or
 - (12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.



Candidate's Name:

SAMPLE TRAVEL LOG for MCEA Candidates and their Campaign Staff

Questions? Call 207-287-4179

Name of Person Traveling:
(Requesting reimbursement)

Commission on Governmental Ethics and Election Practices

Mailing: 135 State House Station
Augusta, Maine 04333
Location: 242 State Street
Augusta, Maine

Address:

Phone: 207-287-4179

Fax: 207-287-6775

Website: www.maine.gov/ethics

Date of Travel (Required)	Odometer Reading at Start (Suggested)	Odometer Reading at End (Suggested)	Number of Miles Traveled (Required)	Purpose and Destinations of Travel (Required)

HOW TO REPORT TRAVEL

Report reimbursements on Schedule B of a campaign finance report. The person receiving the reimbursement is the "Payee."

If the campaign pays for fuel, report the expenditure on Schedule B of a campaign finance report listing the gas station as the "Payee," and use this log for documentation, not reimbursement.

Receipts for expenditures over \$50 and travel logs must be kept until December 2010 (2 years after the 42-Day Post-General Report).

Number of miles this page

Number of miles from attached pages

Total miles traveled

\$

Multiply by \$0.42 (per mile rate for 2008 elections)

This is the maximum reimbursement amount based on mileage. The payments for fuel can not exceed this amount.

Actual Amount of Reimbursement: \$ _____



Matching Funds Formulas and Calculation Examples for Primary and General Elections:

Two Way Race (MCEA vs. Privately Financed)

Primary Election Matching Funds Formula

The formula for calculating matching funds in a two way race when one candidate is MCEA funded and the opponent is privately financed is shown below. In this formula, the amount of seed money raised by the MCEA candidate is used in the calculation.

Formula for Calculating Matching Funds in a <u>Primary Election</u> Two Way Race:		
Your amount (MCEA Candidate)	compared to	Your opponent's amount (Privately Financed Candidate)
Amount of seed money raised		Receipts or expenditures whichever is greater for the primary election
plus		
MCEA funds received for the primary election		plus
plus		
Independent expenditures made to support you or to defeat your opponent in the general election	Independent expenditures made to support your opponent or to defeat you in the primary election	

Primary Election Matching Funds Calculation

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA funded and the opponent is privately financed. In this calculation, the seed money raised by the MCEA candidate is used.

2008 <u>Primary Election</u> Matching Funds:		
Example of Two Way Race: MCEA Candidate with Privately Financed Opponent		
MCEA Candidate		Privately Financed Candidate
Amount of seed money raised	\$300	\$1,000 Receipts or expenditures whichever is greater for the primary election
	plus	
Primary election MCEA payment	\$500	plus
	plus	
Independent expenditures	\$500	\$1000 Independent expenditures
Total	\$1,300	\$2,000 Total
Matching funds authorized	\$700	



Matching Funds Formulas and Calculation Examples for Primary and General Elections
Two Way Race: MCEA vs. Privately Financed (continued)

General Election Matching Funds Formula

The formula for calculating matching funds in a two way race when one candidate is MCEA funded and the opponent is privately financed is shown below. In this formula, the cash balance on the day of the primary is used in the calculation.

Formula for Calculating Matching Funds in a <u>General Election</u> Two Way Race: One MCEA Candidate and One Privately Finance Candidate		
Your amount (MCEA Candidate)	compared to	Your opponent's amount (Privately Financed Candidate)
Campaign balance on the day of the primary election		Campaign balance on the day of the primary election
plus		plus
MCEA funds received for the general election		Receipts or expenditures whichever is greater for the general election
plus		plus
Independent expenditures made to support you or to defeat your opponent in the general election		Independent expenditures made to support your opponent or to defeat you in the primary election

General Election Matching Funds Calculation

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA funded and the opponent is privately financed. In this calculation, the cash balance on the day of the primary is used.

2008 <u>General Election</u> Matching Funds: Example of Two Way Race: MCEA Candidate with Privately Financed Opponent				
MCEA Candidate		compared to	Privately Financed Candidate	
Campaign balance on day of primary election	\$300		\$200	Campaign balance on day of primary election
plus			plus	
General election MCEA payment	\$5,000		\$6,000	Receipts or expenditures whichever is greater for the general election
plus			plus	
Independent expenditures	\$500		\$1000	Independent expenditures
Total	\$5,800	\$7,200	Total	
Matching funds authorized	\$1,400			

**2008 Matching Funds Formula and Calculation Example for Primary Election:
Three Way Race (MCEA vs. Privately Financed)**

**Formula for Calculating Primary Election Matching Funds in a Three Way Race:
Two MCEA Candidates and a Privately Finance Candidate**

Your amount (MCEA Candidate A)	compared to	Your opponent's amount (MCEA Candidate B)	Your opponent's amount (Privately Financed Candidate C)
Amount of seed money raised		Amount of seed money raised	Receipts or expenditures whichever is greater for the primary election
plus		plus	
MCEA funds received for the primary election		MCEA funds received for the primary election	
plus		plus	plus
Independent expenditures made to support you or to defeat your opponents		Independent expenditures made to support Candidate B or to defeat candidate A & C	Independent expenditures made to support Candidate C or to defeat Candidate A & B

**Example of a Three Way Race - Two MCEA Candidates and One Privately Financed Candidate
(Privately financed candidate's total is less than MCEA candidates' totals.)**

MCEA Candidate		COMPARED TO	Opponent MCEA Candidate		Opponent Privately Financed Candidate	
Seed money raised	\$500			\$0	Seed money raised	
MCEA payments made for primary election	\$5,000		\$5,000	MCEA payments made for primary election	\$4,000	Any surplus cash from a previous campaign plus total receipts (cash, in-kind & loans) or Total expenditures (whichever is greater)
plus			plus		plus	
Independent expenditures in support	\$1,000		\$2,000	Independent expenditures in support	\$200	Independent expenditures in support
Total	\$6,000		\$7,000	Total	\$4,200	Total
Matching Funds Awarded	\$1,000		\$0	Matching Funds Awarded		



**Matching Funds Formulas and Calculation Examples for Primary and General Elections:
Three Way Race (MCEA vs. Privately Financed)**

**Formula for Calculating General Election Matching Funds in a Three Way Race:
Two MCEA Candidates and a Privately Finance Candidate**

Your amount (MCEA Candidate A)	compared to	Your opponent's amount (MCEA Candidate B)	Your opponent's amount (Privately Financed Candidate C)
Campaign balance on day of primary election		Campaign balance on day of primary election	Campaign balance on day of primary election
plus		plus	plus
MCEA funds received for the general election		MCEA funds received for the general election	Receipts or expenditures whichever is greater for the general election
plus	plus	plus	
Independent expenditures made to support you or to defeat your opponents		Independent expenditures made to support Candidate B or to defeat candidate A & C	Independent expenditures made to support Candidate C or to defeat Candidate A & B

**Example of a Three Way Race with One Privately Financed Opponent
(Privately Financed candidate's total is greater than MCEA candidates' totals.)**

MCEA Candidate A		MCEA Candidate B		Privately Financed Candidate	
Campaign balance on day of primary	\$500	\$0	Campaign balance on day of primary	\$2,000	Campaign balance on day of primary (this amount is added to receipts)
	plus	plus			
Total MCEA payments made for general election	\$5,000	\$5,000	Total MCEA payments made for general election	[\$6,000 in receipts + \$2,000 - balance on primary equals] \$8,000	Total receipts (includes cash balance on day of primary plus cash, in-kind and loans)
	plus	plus		[which is greater than total expenditures of \$7,000]	or Total expenditures (whichever is greater)
Independent expenditures	\$3,000	\$3,000	Independent expenditures	\$1,000	Independent expenditures
Total	\$8,500	\$8,000	Total	\$9,000	Total (\$8,000 + \$1,000)
Matching Funds Awarded	\$500	\$1,000	Matching Funds Awarded		

DISPOSITION OF SURPLUS FUNDS

21-A M.R.S.A. Section 1017(8)

Disposition of surplus. A treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must dispose of a surplus exceeding \$100 within 4 years of the election for which the contributions were received by:

- A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;
- B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;
- C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;
- D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;
- D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;
- E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015;
- F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- G. Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

(Current as of 09/2007)



Policy on Paying Campaign Funds to Family Members

This memorandum describes the policies and procedures regarding the use of campaign funds to pay a member of the candidate's family or household, which were established by the Maine Ethics Commission pursuant to statutory changes enacted during the First Special Session of the 123rd Legislature (P.L. 2007, c. 567 (eff. July 18, 2008) and c. 571 (eff. April 7, 2008)).

Disclosing a Payment to a Member of the Candidate's Family or Household (applies to gubernatorial, legislative, and county candidates)

- *Traditionally financed candidates.* If a candidate makes a payment of campaign funds to a member of the candidate's household, the candidate must report the family or other relationship (e.g., "brother" or "roommate") in the remarks section of Schedule B (for expenditures) of the campaign finance report. (P.L. 2007, c. 567 (eff. July 18, 2008))
- *Maine Clean Election Act candidates.* If a candidate makes a payment of Maine Clean Election Act funds to a member of the candidate's "immediate family" (defined below), a member of the candidate's household, or a business or nonprofit entity affiliated with a member of the candidate's immediate family, the candidate must disclose the family or household relationship (e.g., "spouse," "domestic partner," "brother," "roommate," or "business owned by daughter") in the remarks section of Schedule B of the campaign finance report. (P.L. 2007, c. 571 (eff. April 7, 2008))

For purposes of this disclosure requirement, "immediate family" means the candidate's spouse, parent, grandparent, child, grandchild, sister, brother, stepparent, stepgrandparent, stepchild, stepgrandchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, guardian, former guardian, or domestic partner. 21-A M.R.S.A. §§ 1(20) & 1122(4-A))

New Restrictions for Maine Clean Election Act Candidates (21-A M.R.S.A. § 1125(6-B), enacted by P.L. 2007, c. 567 (eff. July 18, 2008))

This new statute provides that Maine Clean Election Act (MCEA) candidates may not use public campaign funds to pay:

- the candidate,
- a member of the candidate's household,
- or a business, corporation or nonprofit entity in which the candidate or a member of the candidate's household holds a significant proprietary or financial interest



unless the candidate submits evidence to the Commission that the expenditure will be made:

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

Timing of Submitting Evidence; Procedure for Commission Action

If a candidate intends to pay MCEA funds to an individual or entity covered by 21-A M.R.S.A. § 1125(6-B), the candidate must submit the evidence required by the statute to the Commission for its approval before entering into an obligation to the payee. The Commission staff shall consider this evidence to determine whether the expenditure, in its view, meets the requirements of 21-A M.R.S.A. § 1125(6-B) and submit its views to the candidate and the Commission. The staff may request additional relevant evidence and, after considering it, the staff shall notify the candidate and the Commission of any proposed expenditure which, in its view, does or does not meet the requirements of 21-A M.R.S.A. § 1125(6-B).

The Commission must hold a hearing on the matter at the next regularly scheduled meeting of the Commission to determine if the proposed expenditure meets the requirements of the statute.

Evidence Submitted

The candidate should provide information that establishes that the proposed payee currently is employed by or is engaged in a business that provides the goods or services. The candidate should state the proposed price for the goods and services, and include a justification for that amount. In most cases, the justification will include information from the proposed payee regarding the usual price for providing such goods and services to other clients. The candidate should also explain how the goods or services are campaign-related.

Reimbursing for Goods or Services Advanced to the Campaign

If a MCEA candidate or a supporter of that candidate uses personal funds or a personal credit card to pay a vendor for campaign goods or services, the candidate may reimburse the candidate or supporter, provided that the reimbursement occurs in the same campaign finance reporting period as the payment to the vendor. This reimbursement is permitted even if the supporter resides in the same household as the candidate.

06/27/2008



Policy on Payments to Family and Household Members



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