

SECTION III

CAMPAIGN FINANCING FOR PRIVATELY FINANCED CANDIDATES

CHAPTER 16

Getting Started as a Privately Financed Candidate

Selecting a Treasurer and Forming a Committee

Every candidate is required to appoint a campaign treasurer, who is identified on the Candidate Registration form.

The treasurer has specific duties under the Election Law:

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

As a candidate, you may choose to organize one campaign committee to promote your election, such as “Friends of John Smith” or “Committee to Elect John Smith.” If you choose to form a committee, it must be identified on the Candidate Registration form.

As a candidate, you are not required to form a committee.

The Commission recommends that the candidate select a treasurer other than the candidate who can keep accurate records and balance a checkbook. However, the Election Law does allow a candidate to serve as the treasurer.

The Commission recommends that the candidate consider becoming the deputy treasurer.

It is important to appoint a reliable treasurer who will actively manage your campaign finances, obtain and keep the records required to document expenditures, and file complete and accurate reports.

While it may be politically strategic to pick someone with name recognition, it may not be the best way to manage a campaign’s finances. One way to have a recognized name associated with your campaign is to appoint that person as the chair of your campaign committee and not as your treasurer.

Please do not use a separate political action committee (PAC) to promote your campaign. All contributions you have received to promote your candidacy and all campaign expenditures should be included in the campaign finance reporting of your campaign, not a PAC. You may form a PAC for purposes other



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

Registering as a Candidate with the Ethics Commission

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

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

Voluntary Spending Limits

Privately financed candidates for the Legislature must complete and sign the “Statement Concerning Voluntary Expenditure Limits” within 10 days of registering with the Commission.

Agreeing to the limits is voluntary, but the candidate must sign and submit the form to confirm whether they accept the limit on their spending per election (\$25,000 for Senate candidates and \$5,000 for House candidates) or do not agree with the limits.

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

“I understand and accept...”

OR

“I do not agree...”

and then sign and date the form.

Code of Fair Campaign Practices

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

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

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



Open a Separate Bank Account

All candidates must have a separate bank account for their campaign. The Commission recommends that you pay for as many expenditures as possible by writing checks and using a debit card from the campaign account. This will help you to keep track of the date, amount, payee, and purpose of each expenditure, which must be included on campaign finance reports. You are allowed to spend any interest earned on the account, but you must remember to report any interest earned as a receipt.

The Election Law *prohibits* commingling campaign funds with personal funds of the candidate, treasurer, spouse or domestic partner – anyone’s personal or business funds. Personal funds of the candidate used to support their candidacy must be recorded and reported on campaign finance reports.

Exemption for Campaigns with No Financial Activity

Candidates who have sworn under oath that they will not collect contributions or make expenditures for their campaigns are exempt from the requirements of appointing a treasurer and filing campaign finance reports. To use this exemption, please complete Section 6 of the Registration form. If you later decide to accept contributions or make expenditures, you may revoke the exemption by filing an amended Candidate Registration form which leaves Section 6 blank. Please note on the amended Registration that you are revoking the exemption. Until a statement of revocation has been filed and a treasurer appointed, the candidate may not accept contributions or make expenditures to promote his or her candidacy.

Write-In Candidates

Under the Commission’s Rules, write-in candidates are required to register and to file campaign finance reports with the Commission according to the same reporting schedule as candidates on the ballot. The only candidates who are exempt from filing reports are those who have filed a sworn statement that they will not receive contributions or make expenditures to promote their candidacies.



LEGAL REFERENCES

Selecting a Treasurer	21-A M.R.S.A. § 1013-A(1)
Removal of Treasurer	21-A M.R.S.A. § 1013-B
Duties of Treasurer	21-A M.R.S.A. §§ 1013-A(1)(A), (4); 1016; 1017(2), (3-A), (10); 1020-A(6), (10)
Authorizing One Campaign Committee	21-A M.R.S.A. § 1013-A(1)(B)
Registration	21-A M.R.S.A. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S.A. § 1013-A(5)
Voluntary Spending Limits	21-A M.R.S.A. §§ 1013-A(1)(C), 1015(7)-(9)
Code of Fair Campaign Practices	21-A M.R.S.A. § 1101 <i>et seq.</i>
Commingling of Campaign and Personal Funds	21-A M.R.S.A. § 1016(1)
Exemption from Reporting	21-A M.R.S.A. § 1017(7-A)
Write-In Candidates	Rules, Chapter 1, Section 1(5); Chapter 3, Section 8(3)

CHAPTER 17

Record-Keeping and Filing Campaign Finance Reports

Keeping Required Records

The Election Law requires every campaign to keep certain campaign records:

“Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes. When reporting contributions and expenditures to the commission..., the treasurer shall certify the completeness and accuracy of the information reported by that treasurer.” (21-A M.R.S.A. § 1016)

Record-keeping is an important legal responsibility of the campaign treasurer. In addition, the treasurer is responsible for filing accurate campaign finance reports.

All candidates are required to keep itemized accounts of contributions received and expenditures made by their campaigns. For contributions, the campaign is required to keep an account of the date, amount, and the contributor’s name and address for every contribution over \$10. For contributors who have given more than \$50 during a reporting period, the campaign also is required to keep a record of the contributor’s occupation and employer. For the purposes of reporting contributions, any amounts received from contributors who have given \$50 or less for the reporting period do not have to be itemized and may be aggregated in a lump sum listed on Schedule A of the campaign finance reporting form.

Also, the campaign treasurer is required to keep a detailed and exact account of all expenditures made by or on behalf of the candidate or campaign committee, including the name of each payee, the date, amount, and purpose of the expenditure. The Election Law requires that all candidates keep a receipt (bill or invoice marked paid) for every expenditure over \$50 stating the particular goods or services purchased. Campaigns are required to maintain these records for two years following the filing of the final campaign finance report for the election cycle. The campaign is not required to submit bills or invoices to the Commission unless requested.



Campaign Finance Reports

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

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

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

Reporting Periods and Deadlines for All Privately Financed Candidates

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

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

Pre- and Post-Election Reports Required for All Candidates

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

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



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

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

Trigger Report

Legislative candidates must file a Trigger Report if they:

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

Trigger Amounts for 2008 Elections

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

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

What is an expenditure?

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

When is an expenditure made?

The earliest of the following events:

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

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



The totals of all receipts and in-kind contributions from the beginning of the campaign are added to determine if the trigger amount is exceeded by “total receipts.” *The Trigger Report must be filed if either “total receipts” or “total expenditures” exceed the trigger amount.*

The Trigger Report must be filed within 48 hours of the date on which the total receipts or the total of expenditures and obligations for the election exceeded the trigger amount. The report is a summary of the candidate’s total receipts, and total expenditures and obligations, to date.

42-Day, 18-Day, and 6-Day Accelerated Reports

All privately financed candidates with a MCEA opponent who have filed a Trigger Report are required to file “accelerated” reports. The only accelerated reports required to be filed are those with deadlines occurring after the date that the Trigger Report was filed.

Accelerated reports like the Trigger Report, disclose the candidate’s total campaign contributions, expenditures, and obligations to date for the election. The accelerated report deadlines are found below.

2008 Accelerated Reporting Deadlines			When you file a Trigger Report, the Commission staff will notify you of any accelerated reports your campaign is required to file.
Type of Report	Filing Deadline	Reporting Period: From the beginning of campaign	
42-Day Pre-Primary 18-Day Pre-Primary 6-Day Pre-Primary	April 29, 2008 May 23, 2008 June 4, 2008	Through April 27, 2008 Through May 21, 2008 Through June 2, 2008	
42-Day Pre-General 18-Day Pre-General 6-Day Pre-General	September 23, 2008 October 17, 2008 October 29, 2008	Through September 21, 2008 Through October 15, 2008 Through October 27, 2008	

24-Hour Reports

Special reports are required during the 13 days before an election. These reports are called 24-Hour Reports. 24-Hour Reports must be filed when a single contribution, or a single expenditure or unpaid obligation exceeds a certain threshold amount. The threshold amount depends on whether:

- you have a privately financed or MCEA opponent,
- you are running for the House or Senate, and
- you have filed a Trigger Report (if you have a MCEA opponent).



2008 Primary Election – 24-Hour Reporting Period MAY 28, 2008 – JUNE 9, 2008						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 25	26	27	28 Reporting Period Starts	29	30	31
June 1	2	3	4	5	6	7
8	9 Reporting Period Ends	10 Primary Election Day	11	12	13	14

2008 General Election – 24-Hour Reporting Period OCTOBER 22, 2008 – NOVEMBER 3, 2008						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 19	20	21	22 Reporting Period Starts	23	24	25
26	27	28	29	30	31	Nov 1
2	3 Reporting Period Ends	4 General Election Day	5	6	7	8

How to file 24-Hour Reports:

- File reports electronically
- Paper filers can file in person or by fax

When to file 24-Hour Reports:

- Within 24 hours of the contribution or expenditure
- A report must be filed on Saturday or Sunday if that is when it is due – you cannot wait until the next business day
- Even paper filers must file a report by fax if it is due on the weekend
- Contributions received and expenditures made on the day before an election must be reported on election day

Privately Financed Candidates with MCEA Opponent

If you filed a Trigger Report, you must file a 24-Hour Report during the 13 days before an election for:

- contributions aggregating more than \$1,000 from any one contributor, and
- any single expenditure or unpaid obligation of \$750 or more for Senate candidates or
- any single expenditure or unpaid obligation of \$500 or more for House candidates.

If you have not filed a Trigger Report, a 24-Hour Report must be filed during the 13 day period for:

- contributions aggregating more than \$1,000 from any one contributor or
- any single expenditure or unpaid obligation of \$1,000 or more.



Privately Financed Candidates with No MCEA Opponent

During the last 13 days before an election you must file a 24-Hour Report for:

- contributions aggregating more than \$1,000 from any one contributor; or
- any single expenditure or unpaid obligation of \$1,000 or more.

Candidates Filing Reports for One Election Only

Candidates Who Are Defeated in a Primary Election

Candidates who are defeated in the primary election must file the primary election reports, but are not required to file the reports for the general election. For candidates who have a cash balance or campaign debt of \$100 or less after the primary election, the 42-Day Post-Primary Election report due July 22, 2008 is the final campaign finance report for the election cycle.

For candidates who have a cash balance greater than \$100, semiannual reports must be filed every January 15th and July 15th until the cash balance is \$100 or less but candidates only have four years (after the election) to dispose of the balance. (Campaign cash surpluses can only be disposed of in certain ways. See the Appendix for more information.) For candidates who have a loan or debt of greater than \$100, semiannual reports must be filed every January 15th and July 15th until the loans or debts are \$100 or less.

By disposing of surplus cash, and paying off all debts, obligations and loans (including forgiving loans if the candidate, candidate's spouse or domestic partner made the loan), by the last day of the reporting period, July 15, 2008, no other reports are required and your reporting responsibilities have been met. See the Appendix for information on the requirements of disposing surplus cash.

Reports Filed by Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate is required to file campaign finance reports. The filing schedule will be determined when the candidate registers with the Commission.

How to File Reports

Electronic Filing Requirement

The Election Law requires candidates who have (or expect to have) receipts of more than \$1,500 to file their campaign finance reports electronically on the Commission's website. Almost all 2006 candidates



used the Commission's electronic filing system in 2006, and found it more convenient than filing paper reports. For the 2008 elections, additional improvements have been made to the electronic filing system and the Commission will offer training classes to you and your treasurer.

It is the candidate's and treasurer's responsibility to remember and comply with the filing deadlines

If you do not have access to the technology or the technological ability to file reports electronically, the Commission will grant you a waiver. You need to complete the Electronic Filing Waiver request form and submit it to the Commission. The deadline for filing a waiver is April 15, 2008, but the Commission will honor requests filed later.

How to File Paper Reports

If you have requested a waiver of the electronic filing requirement, the Ethics Commission must receive the original campaign finance report signed by both the candidate and the treasurer at its office by 5:00 p.m. on 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 original report is received by the Commission within five days of the faxed copy. The time stamp from the Commission's fax machine will be deemed the time that the report was filed. A report that is sent by certified or registered mail and that is postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Reminders by the Commission

The Commission mails to all candidates a packet of information including the filing schedule for campaign finance reports. The filing schedule is posted on the Commission's website. In addition, at least two weeks before the filing deadline for the regularly scheduled reports, the Commission mails a written reminder to all candidates.

If a candidate and treasurer miss a filing deadline, the Commission's policy is to make one telephone call to the candidate and/or treasurer. If the report is not filed within three days of the deadline, the Commission is required by law to send a notice to the candidate and treasurer telling them that a civil penalty may be assessed for the late filing.

Amendments

Candidates and treasurers are required to certify the completeness and accuracy of the information included in the report, and are expected to take that certification seriously. If the candidate or treasurer



unintentionally makes an omission in a report or includes incomplete or inaccurate information, they must promptly file an amendment. All amended reports are reviewed by the Commission. If the Commission determines that any report does not substantially conform to the disclosure requirements, the Commission may consider the report late (even if it was filed on time).

Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. If the staff believes a report is incomplete or requires additional information, it will contact the candidate or treasurer by telephone or in writing.

Statement of Sources of Income

All legislative candidates who are not already members of the Legislature must file a Statement of Sources of Income no later than 5:00 p.m. on August 4, 2008. The statement includes the sources of the income which the candidate received during the calendar year before the election year from employment, self-employment, gifts, and other sources. The forms are mailed to candidates in July of the election year. Incumbent Legislators who have filed a Statement of Sources of Income in February of the election year have already met this requirement and are not required to file the statement in August.

LEGAL REFERENCES

Requirement to Keep Records	21-A M.R.S.A. §§ 1013-A(4), 1016
Requirement to File Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(3-A), (3-B); Rules, Chapter 3, Section 7(2)
Trigger and Accelerated Reports	21-A M.R.S.A. § 1017(3-B)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017(3-A)(C), (3-B)(C)
Electronic Filing Requirement	21-A M.R.S.A. § 1017(10)
Fax and Certified Mail Submission of Reports	21-A M.R.S.A. § 1020-A(4-A)
Replacement Candidates	21-A M.R.S.A. § 1017(4)
Substantially Non-Conforming Reports	21-A M.R.S.A. § 1020-A(2)
Statement of Sources of Income	1 M.R.S.A. § 1016-C



CHAPTER 18

What to Include in Campaign Finance Reports

Description of a Campaign Finance Report

The campaign finance reports consist of a cover page and seven schedules. Each schedule is identified by a letter and title, and covers information you are required to report to the Commission. See the summary description of report pages below.

Cover Page		Contact information for you and your treasurer is reported here. For paper filers, this page contains signature lines for you and your treasurer to certify that the report is true, correct, and complete.
Schedule A:	Cash Contributions	Cash contributions you received during the report period are entered on this schedule, including date and amount. You must include the name, address, and occupation and employer for contributors who have given more than \$50.
Schedule A-1:	In-Kind Contributions	In-kind contributions (goods and services) you received during the report period are entered on this schedule, including a description of the goods and services and a statement of their fair market value. The fair market value is what it would have cost if you had paid cash for the donated items or services. Some goods and services do not constitute in-kind contributions and, therefore, are not reportable. (See next chapter and Appendix.)
Schedule B:	Expenditures	Expenditures you made during the report period are entered on this schedule, including date, amount, payee, and type of expenditure. Some expenditure types require a more detailed remark (see expenditure types on the next page).
Schedule C:	Loans and Loan Repayments	Information about loans received, repaid, or forgiven is entered on this schedule.
Schedule D:	Unpaid Debts and Obligations	Any debts or obligations that are unpaid at the close of the reporting period are entered here.
Schedule E:	Campaign Equipment and Property Inventory	This schedule is not required for privately financed candidates. When equipment is purchased report it on Schedule B only.
Schedule F:	Summary Section	This schedule summarizes your financial activity for the report period by showing totals of the different kinds of receipts and your total expenditures. For electronic filers, these totals are calculated automatically. The cash balance on this schedule should match the cash balance in your campaign bank account.



Expenditures

Types of Expenditures and Required Remarks

The Commission requires candidates to indicate an “expenditure type” for each expenditure (see table below). Some expenditure types require a remark that describes the nature of the goods or services purchased in more detail.

Expenditure Types			
	Expenditure Types Requiring NO Remark		Expenditure Types Which REQUIRE a Remark
ADS	Print media ads only (newspapers, magazines, etc.)	CNS	Campaign consultants
CON	Contribution to other candidate, party, committee	EQP	Equipment (office machines, furniture, cell phones, etc.)
FOD	Food for campaign events, volunteers	FND	Fundraising events
MHS	Mail house (all services purchased)	OTH	Other (bank fees, entrance fees, small tools, wood, etc.)
OFF	Office rent, utilities, phone and internet services, supplies	PRO	Other professional services
PHO	Phone banks, automated telephone calls	SAL	Campaign workers' salaries and personnel costs
POL	Polling and survey research	TRV	Travel (fuel, mileage, lodging, etc.)
POS	Postage for U.S. Mail and mail box fees		
PRT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)		
RAD	Radio ads, production costs		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.		

Reporting Reimbursements Made to the Candidate or Supporter

Many candidates ask if they or a supporter can use personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. This is permissible as long as the campaign is careful to reimburse you or the supporter. If no reimbursement is made by the end of the reporting period, the campaign has received an in-kind contribution of goods and services.

If you or one of your supporters uses personal funds or a credit card to pay a vendor, report the vendor as the payee, and the date and amount of the payment to the vendor. In the “Remarks” section note that it was a reimbursement to you (your name) or a campaign worker (their name).

Examples of Correctly Reported Reimbursements				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	USPS - AUGUSTA	POS	REIMBURSEMENT TO AL HAMILTON FOR 200 STAMPS	\$84.00
5/24/2008	OFFICE SUPPLY	PRT	REIMBURSEMENT TO J. ADAMS FOR COPIES	\$154.67



Example of Correctly Reported Mileage Reimbursement

SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
<i>(Date of reimbursement)</i>	<i>(Name of person receiving payment for mileage)</i>	<i>(TRV is correct code)</i>	<i>(Report the number of miles travel for campaign purposes. The number of miles must be supported by a travel log. See appendix for example)</i>	<i>(Amount of reimbursement)</i>
5/31/2008	JOHN ADAMS	TRV	REIMBURSEMENT FOR 100 MILES AT \$0.42 PER MILE	\$42.00

Reporting Withdrawals of Cash

The Commission recommends making expenditures by writing checks or using a debit card for the campaign’s bank account, so that as many expenditures as possible are made through the campaign’s bank account. This will help the campaign keep track of the dates, amounts, and payees of all expenditures which must be included on campaign finance reports.

Because you, as a candidate, must report the date, amount, payee, and purpose of every expenditure, the Commission discourages the use of petty cash or the withdrawals of large amounts of cash to pay campaign workers.

If the campaign chooses to withdraw cash to use for petty expenses or campaign workers, do not report a payment to “cash.” Instead, for each expenditure of the cash, keep a receipt or record which includes the date, amount, payee, and purpose of each expenditure so that you can include this information in campaign finance reports.

Expenditures Made by a Consultant or Firm

If you hire a consultant or consulting firm to assist your campaign, and the consultant makes expenditures on behalf of you and your campaign, you must report those expenditures as though the campaign made them directly (see example below).

Reporting Payments Made to a Consultant

SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	Election Associates	PRT	DESIGN SERVICES FOR MAILER; TOTAL PD TO ELECTION ASSC - \$1,150	\$150
5/28/2008	Graphics Center Color Printing	PRT	PAID BY ELECTION ASSC ON BEHALF OF THE CAMPAIGN	\$1,000



When you hire a consultant, you should ask for a receipt or paid invoice from the vendor that the consultant paid for any goods or services purchased on your behalf. It is your responsibility to find out about expenditures made by your consultants and to report those expenditures.

If you reported a lump sum payment to a consultant in a previously filed report, you may need to amend that report to deduct from that amount any expenditures made by your consultant (so the costs are not double-reported), and you should note in the remarks column that the expenditures were made by the consultant.

Reporting Payments Made to Household Members

In April 2008, the Legislature enacted a law that requires all candidates to disclose the name of and the candidate's relationship to any household member to whom the candidate made payments for goods and services. This new requirement is effective starting July 18, 2008. The 42-Day Post-Primary report is the first report in which household relationships are reported.

If you make a payment of campaign funds to a member of your household, you must report the family or other relationship (e.g., "spouse," "domestic partner," "brother," "roommate") in the remarks section of Schedule B of the campaign finance report.

Loans

Non-commercial loans are considered contributions to the candidate. All non-commercial loans are subject to the contribution limitations of \$250 and \$500 per election except for loans from the candidate, the candidate's spouse, or domestic partner. Loans from a financial institution in Maine are not considered to be contributions and are not subject to the contribution limits.

Reporting Interest Earned on Bank Accounts

Electronic filers report interest earned on campaign funds in bank accounts on a separate page on the Commission's e-filing system. Paper filers should report the interest earned on Schedule F.

LEGAL REFERENCES

Required Contents of Report	21-A M.R.S.A. § 1017(5)
Forms of Commission	21-A M.R.S.A. § 1017(6)
Expenditures by Consultants	Rules, Chapter 1, Section 7(1)
Payments to Household Members	21-A M.R.S.A. § 1017(5)



Chapter 19

Accepting Contributions

Definition of Contribution

The term “contribution” is defined in the Election Law to include:

“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”

For further explanation of what is a contribution, please refer to 21-A M.R.S.A. § 1012 (2) and Chapter 1, Section 6 of the Commission’s Rules.

Contribution Limits

A contributor may donate in the aggregate no more than \$250 per election to any legislative or county candidate. For candidates who are enrolled in a political party (Democratic, Green-Independent, or Republican), the primary and general elections are considered different elections. Non-party (unenrolled) candidates have only one election, the general election. These limitations apply to contributions made by:

- individuals;
- committees including political and political action committees;
- businesses, corporations, firms and partnerships; and
- associations and organizations
- but do not apply to contributions by the candidate or the candidate’s spouse or domestic partner.

Over the limit contributions may occur when multiple businesses/corporations are considered one entity under the Election Law. Please familiarize yourself with 21-A M.R.S.A. § 1015-A. and call the Commission with questions.

Any amount contributed to a party candidate before the primary election is considered to be for the primary election. Any amount contributed after the primary election is considered to be for the general election (except for candidates who lost the primary election and are retiring debts for the primary election).



In addition, no individual may make contributions aggregating more than \$25,000 to all candidates in any calendar year (except contributions to a candidate made by the candidate or the candidate's spouse or domestic partner).

If a person gives more than \$50 in the aggregate in any reporting period, the treasurer must keep a record of the person's occupation and employer.

Prohibition – Contributions in the Name of Another

No person may make a contribution in the name of another person, and no candidate may knowingly accept such a contribution. Candidates are expected to take reasonable steps to identify the original source of funds and to report the actual contributor. Misreporting the source of contributions is a serious violation of the Election Law – both by the contributor and the candidate. Candidates who knowingly accept a contribution made by one person in the name of another person may be assessed a penalty of up to \$5,000.

The Commission has received questions from candidates concerning this prohibition mainly concerning parents contributing for their children. If the candidate has a doubt as to whether a child gave a contribution, the Commission recommends that the candidate contact the contributor to confirm and document that the child gave the contribution and that it was not given by the child's parents.

Keeping Records of Contributions

Your campaign treasurer is required to keep a detailed and exact account of the name and address of every person making a contribution of more than \$10, and the date and amount of the contribution. For contributors giving more than \$50 in a reporting period, your treasurer is required to keep a record of the occupation and employer of the contributor. You and your treasurer are required to make a good-faith effort to obtain the contributor's employment information, but the Commission's Rules recognize that some contributors are reluctant to disclose the information.

In-Kind Contributions

"In-kind contributions" are goods and services that are provided to the campaign at no cost or at a cost that is less than the usual and customary charge. They are subject to the same \$250 and \$500 contribution limits as cash contributions. The following activities are examples of in-kind contributions:

- the candidate purchases signs for his campaign;



- a supporter of a candidate pays for some of the candidate's advertising in a community newspaper;
- a friend of a candidate who owns a copy shop provides the campaign with a discount on printing services;
- a volunteer who is making signs for a candidate buys plywood and paint; and
- the owner of a local business contributes some of his paid staff members to work for the campaign free of charge on company time.

The fair market value of the items, services or discount is reported in the candidate's campaign finance reports. The fair market value is what it would have cost you if you had paid cash for the donated or discounted items or services.

Volunteer Services vs. Paid Assistance

Individuals are permitted to provide their services for free to your campaign as volunteers. A candidate may provide compensation to a volunteer for a portion of the volunteer's time spent on campaign activities. However, if the volunteer provides their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign.

Assistance from State Party Committees

Candidates can receive assistance from paid employees of a state party committee without that help being an in-kind contribution. A paid staffer working for a state party committee may:

- Provide up to a total of 40 hours of assistance to a candidate in each election – the primary and general;
- Recruit and oversee volunteers for campaign activities involving three or more candidates; or
- Coordinate campaign events involving three or more candidates.

This exception applies only to state party committees (Democratic, Green-Independent, and Republican), and does not apply to local party committees, caucus committees, or political action committees.

Privately financed candidates who are self-funding all or part of their campaign can either:

- Enter the expenditure made for their campaign as an in-kind contribution on Schedule A-1 (one entry)

OR

- Enter the expenditure on Schedule B and enter a corresponding contribution in the same amount on Schedule A (two entries).

If the expenditure paid for by the candidate is entered only on Schedule B, the campaign's cash balance will be incorrect (and most likely negative).



Exempt Goods and Services

Certain goods and services are excluded from the legal definition of “contribution.” If you have received these goods and services, you have not received an in-kind contribution. Candidates and treasurers are encouraged to familiarize themselves with these “exempt” goods and services. They are listed in the Appendix of this guidebook. Some examples of exempt goods are:

- a trade association or labor union may donate its office to a campaign for use as a phone bank, provided that there is no additional cost to provide the office;
- an individual may volunteer his or her services to a campaign at no charge (including professional services such as legal advice, assistance with databases, and web and graphic design) as long as the individual is not being compensated by an employer for providing the services; and
- volunteers may pay up to \$100 (in each election) cumulatively toward the cost of food, beverages and invitations in the course of volunteering for a campaign (e.g., they may buy food for a house party or a campaign event).

Coordinating Expenditures with Third-Parties

Political action committees, party committees and individuals are permitted to spend money to support or oppose candidates, but they generally must make the expenditures independently of the candidate’s campaign. These expenditures are known as independent expenditures.

The Election Law states that: “Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s political committee or their agents is considered to be a contribution to that candidate.” (21-A M.R.S.A. § 1015(5)) This means that if any person or organization makes an expenditure in support of you and has consulted with you on the expenditure, you have accepted an in-kind contribution. Such a contribution is subject to the \$250 or \$500 limit.

One exception to this policy is that candidates may coordinate with a state or local party committee on a “slate card” or a party candidate listing of three or more candidates. Slate cards are excluded from the definition of contribution. Please note that this exception applies to state and local party committees and does not apply to caucus committees or other political action committees.

Because independent expenditures may cause matching funds to be paid to a candidate’s publicly funded opponent, some candidates may wish to tell supporters not to make independent expenditures in



support of their campaigns. You are allowed to ask third-parties not to spend money in support your candidacy. Even if the third-party were to spend money subsequently, merely making a request not to make an independent expenditure would not constitute cooperation.

If a third-party such as a friend, relative, political action committee, or party committee initiates a discussion with you or your campaign about a proposed expenditure to assist your campaign, the third-party has consulted with you by simply bring this up to you. Therefore, please inform the third-party that the expenditure cannot be made unless the campaign pays for it or it is reported as in-kind contribution. (Please note: the \$250 contribution limit is the aggregate amount of cash and in-kind; make sure you do not receive an over-the-limit contribution).

For example: If a relative asks you or your campaign if they can run an ad in support of you, this would be considered consultation and coordination and is permitted only if the expenditure is paid for by the campaign or reported as an in-kind contribution.

Also, if a friend or relative working on your campaign, pays for an ad and did not consult you, it is also an in-kind contribution because they are part of your campaign.

Contributions from Married Couples and Domestic Partners

If you receive a contribution in the form of a check listing two spouses or domestic partners, please record the contribution in the name of the individual(s) signing the check, regardless whether both of their names are included in the name of the bank account. If both individuals sign the check (or if one signs the check and the other makes a notation in the memo portion of the check), please allocate the contribution equally between both of them unless you receive something in writing indicating that the contributors prefer a different allocation. In general, if someone signs a check to make a contribution, and the campaign wishes to allocate a portion of the contribution to a spouse, the Commission staff recommends that the campaign obtain something in writing from the "non-signing" spouse confirming that it was their intent to make part of the contribution. The written statement could be as informal as an e-mail or handwritten note.

Earmarked Contributions

If a contributor gives an amount of money to an intermediary such as a political action committee or a party committee and directs that the amount be contributed to a specific candidate, the original source of the funds is considered the contributor to the candidate. The intermediary is required notify the candidate of the original source of the funds, so that the candidate may report the original source as the contributor.



Other Limitations on Contributions

Anonymous Contributions

Anonymous contributions of more than \$10 may not be accepted.

Contributions from Lobbyists

Lobbyists and their clients may not make contributions to the Governor, Legislators, constitutional officers, or their staff and agents while the Legislature is in session, except for contributions to a Legislator's campaign for federal office.

Contributions from Corporations and Affiliated Entities

Corporations and labor unions may contribute to Maine state candidates in the same way as other contributors. In certain circumstances, affiliated businesses or organizations that each make a contribution to a candidate may be considered a single contributor for purposes of the \$250 contribution limit (or \$500 limit for gubernatorial candidates). Candidates are expected to take reasonable actions to avoid accepting over-the-limit contributions from affiliated businesses or organizations.

Contributions made by a for-profit or non-profit corporation, including a parent company, subsidiary, branch, division, department, and local unit, and contributions made by a political committee or political action committee whose financial activities are financed, maintained, or controlled by a corporation are considered to be made by that corporation, political committee, or political action committee.

Two or more entities are considered a single contributor if they share the majority of the members of their boards or directors, share two or more officers, are owned or controlled by the same majority shareholder (s), or are in a parent-subsidiary relationship. A sole proprietorship and its owner are considered to be a single entity.

Commission Review of Contributions

The Commission reviews contributions disclosed by candidates in campaign finance reports, and often requests additional information when reports are incomplete or a compliance question is raised.

In most cases, the information provided by the campaigns resolves the issue at the level of the Commission staff, and no further action is necessary. Your prompt responses are appreciated as the Commission staff encourages compliance with reporting requirements and the contribution limitations.



Contributions for Recounts

You may accept unlimited funds and services from party committees, caucus campaign committees, and from attorneys, consultants, and their firms. All contributions received and expenditures made in connection with a recount must be disclosed in a special financial report due 90 days after the election.

	LEGAL REFERENCES
Definition of Contribution	21-A M.R.S.A. § 1012(2)
Contribution Limits	21-A M.R.S.A. § 1015(1) - (3)
Required Records for Contributions	21-A M.R.S.A. § 1016
In-Kind Contributions	Rules, Chapter 1, Section 6(4) - (5)
Exempt Goods and Services	21-A M.R.S.A. § 1012(2)(B)
Coordinating Expenditures with Third-Parties	21-A M.R.S.A. § 1015(5)
Earmarked Contributions	21-A M.R.S.A. § 1015(4)
Contributions in the Name of Another	21-A M.R.S.A. §§ 1004(3); 1004-A(3)
Contributions from Lobbyists	1 M.R.S.A. § 1015(3); Rules, Chapter 1, Section 12
Contributions from Affiliated Corporations and Organizations	21-A M.R.S.A. § 1015-A
Recounts of Elections	21-A M.R.S.A. § 1018-B



CHAPTER 20

Making Expenditures

Definition of Expenditure

The term expenditure means:

“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 made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included.” (21-A M.R.S.A. § 1012(3))

Certain items, activities, and communications are exempt from the definition of expenditure. These exempted items are listed in 21-A M.R.S.A. § 1012(3)(B). (See the Appendix for definition of “expenditure” and exemptions.)

Reporting Expenditures

The Election Law requires that all candidates disclose every expenditure on campaign finance reports submitted to the Commission. It also requires that the date, amount, payee, and the purpose of the expenditure be reported. The “payee” refers to the vendor that provided the goods or services to the campaign. It is not acceptable to report “cash,” “reimbursement,” or the candidate’s name as the payee. The only time that the candidate’s name would appear under “Payee” is when the candidate is receiving a reimbursement for mileage.

The Commission recommends obtaining a bank debit card and a checkbook for your campaign. Making expenditures from the campaign’s bank account simplifies record-keeping and accurate reporting

The Commission recommends paying for all purchases with the campaign bank account using a debit card or by writing checks. This will assist the campaign in keeping track of the dates, payees, and



amounts of its expenditures. While the campaign is allowed to use the personal funds or credit card of the candidate or a supporter (provided the campaign reimburses the candidate or supporter promptly), the Commission discourages this practice because it can lead to incomplete record-keeping and reporting.

Reimbursements

Volunteers and supporters working on your campaign can use their personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. If no reimbursement is made, the campaign must report the expenditure as an in-kind contribution (on Schedule A-1).

How to Report Reimbursements

If you or one of your supporters uses personal funds or a credit card to pay a vendor, report the vendor as the payee, and the date and amount of your or your supporter's payment to the vendor. Do not report the campaign's reimbursement to you or the supporter. The payment must be reported in the reporting period in which the vendor received the payment, and the reimbursement must be made during the same reporting period (see example below). If the reimbursement is not made within the same reporting period, then you have received an in-kind contribution, which is reported on Schedule A-1.

Example of Correctly Reported Reimbursements				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2008	USPS - AUGUSTA	POS	200 STAMPS PAID BY AL HAMILTON; REIMBURSEMENT MADE ON 5/26/2008	\$84.00
5/24/2008	OFFICE SUPPLY INC	PRT	COPIES PAID BY J. ADAMS; REIMBURSEMENT MADE ON 5/26/2008	\$154.67

Unspent Primary Election Funds

If you are running against a MCEA candidate in the general election, you should be aware that unspent campaign funds left over as of the date of the primary election count as a *receipt* for the general election. All your receipts for the general election, including your campaign balance after the primary election, will be considered in determining whether your Maine Clean Election Act opponent is eligible for matching funds in the general election. An example of this calculation can be found in Chapter 7 on page 50.



Spending Money Before the Primary Election for Goods and Services for the General Election

Under the Commission's Rules, if more than one-half of an expenditure made before the primary election is for consulting services or for campaign literature and advertising to be used in the general election, the portion of the expenditure scheduled for use in the general election will be counted as a receipt for the general election. This rule is designed to prevent candidates from interfering with a MCEA opponent's eligibility for matching funds in the general election by intentionally purchasing general election goods and services before the primary election.

The rule applies to any candidate – whether publicly or privately financed – whose opponent is participating in the Maine Clean Election Act. Generally, the Commission becomes aware that a pre-primary expenditure is for the general election when the candidate's MCEA opponent files a request for matching funds based on the pre-primary expenditure. The Commission's Rules require that these requests be made no later than August 30 of the election year.

Sharing Expenditures with Other Candidates

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

Commission Review of Expenditures

The Commission reviews expenditures disclosed by candidates in campaign finance reports, and often requests additional information when reports are incomplete or a compliance question is raised. In most cases, the information provided by the campaigns resolves the issue at the level of the Commission staff, and no further action is necessary. Your prompt responses are appreciated as the Commission staff encourages compliance with reporting requirements.



LEGAL REFERENCES

Definition of Expenditure	21-A M.R.S.A. § 1012(3)
Required Reporting of Expenditures, including date, payee, amount, purpose	21-A M.R.S.A. § 1017(5)
Voluntary Spending Limits	21-A M.R.S.A. §§ 1013-A(1)(C), 1015(7)-(9)
Required Records of Expenditures	21-A M.R.S.A. § 1016
Unspent Primary Election Funds, Matching Funds Calculation	Rules, Chapter 3, Section 5(3)(C)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4); Chapter 3, Section 5(4)

CHAPTER 21

Disclosure on Campaign Communications

Disclosure on Campaign Communications

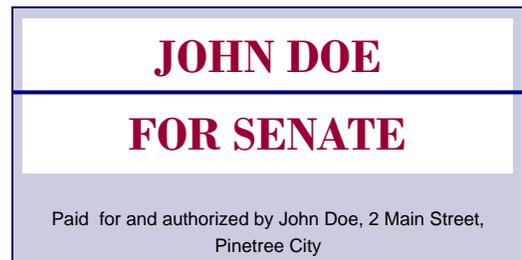
Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, publicly accessible websites, direct mails or other similar types of general public political advertising, or through flyers, handbills, bumper stickers and other non-periodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee, or their agents, must clearly and conspicuously state that the communication has been so authorized. The communication must also clearly state the name and address of the person who made or financed the expenditure for the communication.

In addition, these requirements apply to any communication that names or depicts a clearly identified candidate and that is disseminated to voters in the last 21 days before the primary election or in the last 35 days before the general election.

The following are examples of suitable attribution statements for political communications financed:

By a Candidate:

- Paid for and authorized by John Doe, 2 Main Street, Pinetree City
- Paid for and authorized by the candidate, 2 Main Street, Pinetree City (where the candidate's full name is clearly stated in the communication)





By a Candidate's Political Committee:

- Authorized by the Candidate and paid for by the Committee to Elect John Doe, 2 Main Street, Pinetree City

By the Candidate's Agents:

- Authorized by Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City
- Paid for by the Candidate and authorized by John Jones, Chairman of Committee to Reelect John Doe, 1 Cool Street, Pinetree City

JOHN DOE
FOR SENATE
<small>Authorized by the Candidate John Doe and paid for by Sam Smith, Treasurer, 5 Oak Street, Pinetree City</small>

Communications Exempt from Disclosure

Certain items are exempt from the disclosure requirement because of their small size: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fund-raisers. The Commission may exempt similar items if it determines those items are too small and, therefore, it would be unnecessary to include the required disclosure.

Automated Telephone Calls

Prerecorded automated telephone calls and scripted live telephone class that name a clearly identified candidate during the 21 days before a primary election or 35 days before a general election must include the name of the person who made or financed the communication, except that the disclosure is not required for prerecorded automated calls paid for by the candidate using the candidate's voice and are made in support of that candidate.

Communications Not Authorized by the Candidate

Similar requirements apply to communications that are paid for by third-parties such as political action committees and party committees and that are not authorized by the candidates. Those communications must disclose the person who made or financed the communication and that the communication was not authorized by the candidate or campaign.

Constituent Mailings

Constituent newsletters, sent by incumbent Legislators, are used to communicate and inform the voters in their district of the work accomplished by the most current session. Prior to mailing, these newsletters are reviewed by legislative officers (Clerk of the House or Secretary of the Senate) to assure that they do not advocate for the election or defeat of any candidate. The purpose of these mailings is a factual account of the session and are not to be used for campaign purposes. Thus, a disclosure statement is not required.

In 2006, the Commission heard several complaints from candidates requesting that matching funds be awarded to them because a photograph or the name of their opponent appeared in a constituent newsletter: Although each case is unique, the following guidelines were developed from the Commission's 2006 decisions and the public workshop held on July 19, 2006.

Guidelines for Constituent Newsletters	
Content	No express advocacy. No photograph or name of a candidate within 21 days of the primary election and 35 days of the general election.
Timing	Received by constituents at least 21 days prior to the primary election and 35 days prior to the general election. Shortly after the session is best.
Seek Advice	Advise the officers of the chamber that you: <ul style="list-style-type: none"> (1) are including information or a photograph of a candidate in your newsletter and (2) are a candidate in the 2008 elections. Chamber officers will provide guidance.

Requirements for Broadcasters (TV and Radio) and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications, including a version of the newspaper displayed on a website owned or operated by the newspaper, without the required disclosure: whether the communication was authorized or not authorized by the candidate and the name and address of the person paying for the communication. For communications made through broadcasting stations (such as television or radio stations) that are financed by the candidate or candidate's committee, the disclosure statement only needs the candidate's authorization and the name of the candidate or candidate's committee.



Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to \$200.

LEGAL REFERENCES

Required Disclosure on Candidate Communications	21-A M.R.S.A. § 1014(1), (2), (2-A)
Exempted Communications	21-A M.R.S.A. § 1014(1)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Required Disclosure on Third-Party Communications	21-A M.R.S.A. § 1014(2), (2-A)
Broadcasters and Newspapers	21-A M.R.S.A. § 1014(3), (3-B)
Enforcement	21-A M.R.S.A. § 1014(4)

CHAPTER 22

Post-Election Responsibilities for Privately Financed Candidates

Notify Commission of Changes of Address and Phone Number

During and after the campaign, it is important for candidates and treasurers to notify the Commission directly when their address and/or telephone number changes. If the Commission is not notified, the candidate may miss important notices and filing deadlines. It is also important for the staff to know how to contact candidates as it conducts its review of campaign finance reports.

Disposing of Surplus Cash After the Election

After an election campaign, a candidate may be left with unspent funds or surplus cash. Surplus cash amounts greater than \$100 may not be converted to personal use. Pursuant to the provisions of 21-A M.R.S.A. § 1017(8), a treasurer may dispose of surplus funds amounts greater than \$100 only by:

- Distributing the funds to the candidate's contributors;
- Making a gift to a qualified political party within Maine, including any county or municipal subdivision of such a party;
- Making an unrestricted gift to the State's general fund;
- Carrying forward the funds to a political committee established to promote the same candidate for a subsequent election;
- Carrying forward the surplus balance for use by the candidate for a subsequent election;
- Transferring the surplus balance to one or more other registered candidates or to a political committee established to promote the election of those candidates, provided that the amount transferred does not exceed contribution limits;



-
- Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
 - 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
 - Making a gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

A candidate must dispose of surplus funds within four years of the last election of the cycle for the candidate.

42-Day Post-Election Campaign Finance Report

All candidates in an election must file a report 42 days after the last election for the cycle in which the candidate participates. This report will be due December 16, 2008 for candidates in the 2008 general election.

Semiannual Reports for Candidates with Surplus Cash, Loans or Debts of More than \$100.

Candidates with surplus cash, a loan, or an unpaid debt of more than \$100 as of the 42-Day Post-Election Report must continue to file campaign finance reports (“semiannual reports”) every January 15th and July 15th until the candidate has disclosed how the cash, loan, or debt has been disposed of. For unsuccessful candidates in the 2008 primary election who must file this report, the first report will be due January 15, 2009. For general election candidates with cash, loans, or debt over \$100, the first semiannual report will be due July 15, 2009.

Statement of Sources of Income

Legislative candidates who win the general election are required to file a Statement of Sources of Income for the election year by February 15 of the first term of the Legislature. The statement includes the sources of the income which the Legislator received as a candidate during the election year from employment, self-employment, gifts, and other sources. The forms are provided to Legislators shortly after the New Year.

LEGAL REFERENCES

Change of Address or Telephone Number	21-A M.R.S.A. § 1013-A(5)
Disposing of Surplus Cash After an Election	21-A M.R.S.A. § 1017(8)
Semiannual Reports	21-A M.R.S.A. § 1017(3-A)(E)
Statement of Sources of Income	1 M.R.S.A. § 1016-A