



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

To: Interested Parties

From: Jonathan Wayne, Executive Director

Date: February 23, 2005

Subject: Opportunity to Comment on Proposed Rule Amendments and
Changes to Candidate Reporting Forms

The Ethics Commission is soliciting comments on proposed changes to the candidate campaign finance reporting form and the Commission Rules. In case you are interested in commenting, I have enclosed:

- (1) a summary of the proposed amendments;
- (2) the proposed amendments to Chapter 1 of the Commission Rules;
- (3) the proposed amendments to Chapter 3 of the Commission Rules;
- (4) a revised reporting form for Maine Clean Election Act candidates; and
- (5) a revised reporting form for traditionally financed candidates.

The Commission will hold a public hearing on Thursday, March 24 at 9:00 a.m. at which you are invited to comment on the changes to the forms or the rules. Written and e-mailed comments are also welcome. (My e-mail address is Jonathan.Wayne@Maine.gov.) The deadline for written and e-mailed comments is 5:00 p.m. on April 4. The Commission will make any changes at its meeting on April 6 at 9:00 a.m.

The changes to the reporting forms and the rule changes relating to the Maine Clean Election Act would be considered major substantive, and the Commission will submit any major substantive amendments to the Legislature for its consideration following the Commission's April 6 meeting.

If you have any questions, please telephone me at 287-4179. Thank you for your consideration of the proposed amendments.



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To: Interested Persons

From: Jonathan Wayne, Executive Director

Date: February 22, 2005

Re: Summary of Proposed Amendments to Ethics Commission Rules and
Candidate Reporting Forms

Proposed Amendments to Chapter 1 of the Commission Rules

Section 1 – Definitions (pages 1-3)

The Ethics Commission proposes to move the definitions section of the Commission Rules from Chapter 3 to Chapter 1 in order to clarify that the definitions are to be applied to the entire body of the Commission's rules. The Commission proposes new or amended definitions for the terms "association," "candidate", "in-kind contribution," "member [of a membership organization]," and "write-in candidate."

Section 2 – Organization of Commission (page 3)

The proposed amendment would delete the requirement that the Commission Chair serve for a two-year term.

Section 4 – Initiation of Proceedings (pages 10-11)

The proposed amendment to Paragraph 4(D) states that requests for investigations filed with the Commission should be based upon the personal knowledge of the individual submitting the request, and that statements which are not based upon the individual's personal knowledge must identify the sources of the information which are the basis of the request.

Paragraph 4(F) would allow the Commission staff to refer a request for an investigation to the appropriate authority or to return the request to the submitting party if the Commission Director and Counsel agree that the request clearly is outside the jurisdiction of the Commission.

Paragraph 4(G) states that the signature of a person on a statement or form filed with the Commission constitutes a certification by that person of the completeness and accuracy

of the information reported, and that the use of an electronic password constitutes a signature of the person using the password.

Section 6 – Contributions and Other Receipts (pages 13-14)

The proposed Subsections 1, 3, 4, and 5 clarify that the following are contributions and are subject to the contribution limits for candidates: loans (except loans from the candidate, the candidate's spouse, and a financial institution in Maine); certain discounts and extensions of credit by vendors; and an employer's provision of services by employees during paid work-time. The proposed Subsection 2 clarifies that candidates must report the occupation and employer of each individual contributing more than \$50 during an election (including seed money contributions). Subsection 6 states that contributions received for a recount election are not subject to campaign finance reporting requirements and contribution limits. This would clarify that political parties and legislative caucuses may make unlimited contributions and expenditures to promote their candidates in recounts.

Section 7 – Expenditures (pages 14-16)

Proposed Subsection 3 clarifies that the following actions constitute an expenditure that must be reported to the Commission: placing an order with a vendor for a good or service; signing a contract for a good or a service; the delivery of a good or the performance of a service by a vendor; and a promise or an agreement that a payment will be made.

Proposed Subsection 4 states that if a candidate or other person purchases consulting services or literature or advertising before a primary election, and a preponderance (more than 50%) of those goods and services are used for the general election, the candidate or person shall report the portion of the expenditure used for the general election.

Proposed Subsection 5 would require that when candidates or their supporters make expenditures to vendors from their personal funds or through their credit cards, the expenditure should be reported during the period in which the vendor receives the payment rather than when the campaign reimburses the candidate or supporter.

Proposed Subsection 6 would allow candidates, political action committees and others to report multiple expenditures for bank fees and vehicle travel in an aggregate amount.

Proposed Subsection 7 clarifies that expenditures made by candidates, political action committees, party committees and others for purposes of a recount of an election are not subject to campaign finance reporting requirements. This would clarify that parties and legislative caucuses may make unlimited contributions and expenditures to promote their candidates in recounts.

Subsection 10 – Reports of Independent Expenditures (pages 18-22)

The proposed amendment to Subsection 3 would require independent expenditures aggregating between \$100 and \$250 per candidate per election that are made *on or before* the 12th day before an election to be reported on the 12th day before the election. Independent expenditures between \$100 and \$250 made *after* the 12th day before an election would be required to be reported within 24 hours.

Proposed Subsection 4 would advise organizations making independent expenditures relating to multiple candidates how they should allocate the expenditure among the different candidates supported or opposed by the communication.

Proposed Subsection 5 interprets the 2003 change in the Election Law requiring that communications that name or depict a candidate in the 21 days before an election be presumed to be independent expenditures (Title 21-A M.R.S.A. Section 1019-B). Independent expenditures trigger matching funds to candidates participating in the Maine Clean Election Act.

Paragraph 5(A) provides examples of the types of communications covered by the presumption.

Paragraph 5(B) specifies types of communications and activities that would *not* be covered by the presumption. Expenditures on these communications and activities would *not* result in matching funds. Included in these categories of exempt communications are those communications and activities that are excluded from the legal definition of “expenditure” in 21-A M.R.S.A. Section 1012, including slate cards, membership communications, voter registration materials (if no candidate is mentioned in the materials), *etc.*

Paragraph 5(B) also proposes several other categories of communications that would be exempt from the 21-day presumption: (1) voting records of Legislators and legislative scorecards if the communication does not expressly advocate the election or defeat of any candidate and the communication describes the voting records of 25 or more Legislators of more than one party; (2) oral conversations between two individuals; and (3) candidate forums and debates, if they are neutral among candidates. These communications would *not* be considered for matching funds under the Maine Clean Election Act.

Paragraph 5(D) clarifies that if a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the 21-day period applies to the date on which the communication is disseminated *directly to voters*, rather than the date on which the committee or association distributed the literature to its affiliates or members.

Paragraph 5(E) states that for purposes of determining whether a communication is covered by the 21-day presumption, the date of dissemination of the communication is

the date of the mailing, distribution, or broadcast of the communication, rather than the date on which it is received by the voters.

Paragraph 5(F) would require an organization that has been supplied printed communications covered by the presumption and that distributes them to voters to report both its own distribution costs and the value of the materials it has distributed.

Section 11 – Reports of Ballot Question Campaign Activity by Persons and Organizations Other than Political Action Committees (pages 22-23)

This section governs the reporting of contributions and expenditures made to influence ballot questions by individuals and organizations other than political action committees (PACs). The proposed Subsection 3 would require that in the last 11 days before the election, expenditures in excess of \$500 must be reported within 24 hours, similar to the reporting requirement for PACs.

Section 12 – Campaign Contributions During Legislative Session (pages 23-24)

Under Title 1 M.R.S.A. Section 1015(3), Legislators and certain other individuals cannot intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, or employer when the Legislature is convened until it adjourns. This section also forbids Legislators from *indirectly* soliciting or accepting contributions from prohibited sources through a political action committee or party committee. In response to continuing requests for clarification about the scope of the prohibition, the Commission proposes the following rules.

Proposed Subsection 1 would clarify that the prohibition applies both to contributions to traditionally financed candidates and to seed money contributions received by candidates intending to participate in the Maine Clean Election Act.

Proposed Subsection 2 would prohibit the acceptance of contributions from prohibited sources during the legislative session by political action committees (PACs) closely associated with a Legislator, such as a PAC organized to elect a candidate or Legislator to leadership or a PAC organized to elect the candidates of a legislative caucus. The rule would clarify that PACs closely associated with Legislators (such as leadership and caucus PACs) *may* solicit and accept contributions from individuals and organizations who are not lobbyists, lobbyist associates, or their employers.

Proposed Subsection 3 clarifies that during the legislative session, an organization that employs a lobbyist may not make a contribution through a political action committee with which the organization is affiliated or direct that the affiliated political action committee make a contribution to a Legislator.

Proposed Amendments to Chapter 3 of the Commission Rules

Section 1 – Applicability of Chapter 3 of the Commission Rules (page 2)

The proposed amendment clarifies that Chapter 3 applies to candidates participating in the Maine Clean Election Act (MCEA), *and* traditional candidates and political committees making expenditures in races involving MCEA candidates.

Section 2 – Procedures for Participation (pages 3-8)

The proposed amendment to Subsection 2 would delete the requirement that the Declaration of Intent to participate in the MCEA be sworn before a notary.

The proposed amendment to Paragraph 3(A) clarifies that the seed money restrictions apply both to cash and in-kind contributions. The existing Paragraph 3(E) permits candidates who inadvertently fail to comply with the seed money restrictions to request a waiver of the restrictions so that they may participate in the MCEA. The proposed amendment to Paragraph 3(E) conforms the rule to the Commission's current practice. Paragraph 3(F) would prohibit a candidate from accepting a loan prior to certification as a MCEA candidate.

The proposed Paragraph 4(D) would require that seed money contributions made through money orders be signed by the individuals making the contributions. Paragraphs 4(E) and 4(F) would codify the current policy of the Commission staff regarding qualifying contributions drawn on business accounts and qualifying contributions made through a combined check for multiple family members.

Paragraph 4(I) clarifies that candidates requesting certification as a MCEA candidate must either submit the receipt and acknowledgment forms verified by the municipal clerks *before* the end of the qualifying period, or must submit photocopies of the forms with a written statement that the forms have been submitted to the municipal clerks during the qualifying period.

Section 3 – Certification of Participating Candidates (pages 8-9)

Proposed Paragraph 1(A) would delete the requirement that candidates submit a special form requesting certification as a MCEA candidate. The Commission proposes eliminating this form because it appears to be an unnecessary burden on candidates.

The proposed Paragraph 1(B) clarifies that candidates will not be certified unless the original qualifying contributions are submitted to the Commission within the qualifying period.

Paragraph 1(C) requires the Commission, when certifying MCEA candidates, to give priority to candidates who are in a contested primary election.

Section 5 – Distribution of Funds to Certified Candidates (pages 13-14)

Proposed Subparagraphs 3(B)(5) and (6) clarify that the Commission is not bound by the literal language of a communication when deciding whether an independent expenditure was made in support of or in opposition to a candidate.

The proposed Paragraph 3(F) would prohibit the Commission, when calculating matching funds, from considering contributions or loans received by a traditional candidate which are repaid to the lender or contributor, or are transferred to a party committee or other candidate for uses unrelated to the traditional candidate's election.

Subsection 4 states that if a preponderance of consulting services, or the design, printing, or distribution of campaign literature or advertising, purchased before a primary election is used for the general election, then the portion used for the general election must be counted as a general election expenditure when calculating matching funds.

Section 6 – Limitations on Campaign Expenditures (page 15)

Proposed Subsection 4 would prohibit a MCEA candidate from using public funds for goods which the candidate sells to raise more cash.

Subsection 5 would establish maximum amounts that MCEA candidates could spend on post-election parties, thank-you notes or advertising.

Subsection 6 would prohibit MCEA funds to be used to pay civil penalties to the Commission.

Subsection 7 would prohibit MCEA funds to be used for a recount of an election.

Section 7 – Record Keeping and Reporting (page 16)

The proposed Subsection 4(D) would require MCEA candidates spending more than \$500 in salary and compensation to keep a special record stating the number of hours and services performed by the person receiving the salary.

Section 8 – Recounts, Vacancies, Write-In Candidates, Special Elections (pages 18-20)

The proposed Section 3 would apply the candidate registration and reporting requirements to write-in candidates, and would clarify that write-in candidates cannot participate in the MCEA unless they become the nominee of a party. Under the proposed rule, a certified candidate opposed by only a write-in candidate would be considered in a contested election only if sufficient evidence is submitted that the write-in opponent is running a substantial campaign.

Changes to Candidate Reporting Forms

The Commission is soliciting public comment on proposed changes to its campaign finance reporting forms for candidates.

With respect to the form for *Maine Clean Election Act* candidates, the Commission proposes to:

- permit candidates to indicate with a check-box on the cover page that there was no financial activity for the period;
- use Schedule A as a worksheet so that candidates can distinguish between Maine Clean Election Act funds that the candidate is and is not authorized to spend;
- eliminate the columns on Schedule B for different categories of expenditures (this eliminates math performed by candidates and uses expenditure codes to better track candidates' spending); and
- simplify the Schedule G Summary Schedule to eliminate unnecessary math and to enable the schedule to show the actual cash balance and the amount of remaining funds which the candidate is authorized to spend.

With respect to the form for *privately financed* candidates, the Commission proposes to:

- permit candidates to indicate with a check-box on the cover page that there was no financial activity for the period;
- eliminate the Schedule A (Summary of Cash Contributions);
- eliminate the Schedule A-1 (Summary of In-Kind Contributions);
- eliminate the columns on Schedule B for different categories of expenditures (this eliminates math performed by candidates and uses expenditure codes to better track candidates' spending);
- simplify the Schedule C for loans by combining the three parts into one;
- eliminate the former Schedule D for Pledges;
- consolidate the Schedule C for Loans and Schedule E (now D) for Unpaid Obligations to a single page; and
- simplify the Schedule G Summary Schedule (condensing it to a single sheet with one column).

94-270 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Chapter 1: PROCEDURES

SUMMARY: This Chapter describes the nature and operation of the Commission, and establishes procedures by which the Commission's actions will be governed.

[NOTE: THE COMMISSION PROPOSES TO MOVE THE DEFINITIONS SECTION BELOW FROM CHAPTER 3 OF THE COMMISSION RULES TO CHAPTER 1. ALL DEFINITIONS WOULD REMAIN UNCHANGED EXCEPT SUBSECTIONS 2, 5, 12, 13, AND 19, WHICH CONTAIN NEW LANGUAGE.]

SECTION 1. DEFINITIONS

In addition to the definitions provided in Title 21-A, chapters 1, 13, and 14, the following definitions shall apply to the rules of the Commission, unless the context otherwise requires:

1. Act. "Act" means the Maine Clean Election Act, Title 21-A, chapter 14.
2. Association. "Association" means a group of two or more persons, who are not all members of the same immediate family, acting in concert.
3. Campaign Deficit. "Campaign deficit" means debts, liabilities, and unmet financial obligations from all previous campaigns as reported to the Commission on campaign termination report forms required by Title 21-A, chapter 13, subchapter II [§ 1017(9)].
4. Campaign Surplus. "Campaign surplus" means money, equipment, property and other items of value remaining after retiring previous campaign deficit as reported to the Commission on campaign termination report forms required by Title 21-A, chapter 13, subchapter II [§ 1017(9)].
5. Candidate. "Candidate" has the same meaning as in Title 21-A, chapter 1, subchapter I [§ 1(5)], and includes individuals running for office as a write-in candidate.

INFORMATIONAL NOTE: All contributions made after the day of the general election to a candidate who has liquidated all debts and liabilities associated with that election are deemed to be made in support of the candidate's candidacy for a subsequent election, pursuant to section 4.2.A(5)(e) of this rule. A candidate who collects funds subsequent to an election for purposes other than retiring campaign debt is required to register with the Commission. Title 21-A, chapter 13, subchapter II [§ 1013-A].

6. Certified Candidate. "Certified candidate" has the same meaning as in the Act [§ 1122(1)].
7. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33, and 1 M.R.S.A. section 1001 et seq.
8. Contribution. "Contribution" has the same meaning as in Title 21-A, chapter 13, subchapter II [§ 1012(2)].
9. Election. "Election" means any primary, general or special election for Governor, State Senator or State Representative. The period of a primary election begins on the day a person becomes a candidate as defined in 21-A M.R.S.A. §1(5) and ends on the date of the primary election. The period of a general election begins on the day following the previous primary election and ends on the date of the general election. The period of a special election begins on the date of proclamation of the special election and ends on the date of the special election.
10. Expenditure. "Expenditure" has the same meaning as in Title 21-A, chapter 13, subchapter II [§ 1012(3)].
11. Fund. "Fund" means the Maine Clean Election Fund established by the Act [§ 1124].
12. In-Kind Contribution. "In-kind contribution" means any gift, subscription, loan, advance or deposit of anything of value other than money made for the purpose of influencing the nomination or election of any person to political office or for the initiation, support or defeat of a ballot question.
13. Member. A "member" of a membership organization includes all persons who currently satisfy the requirements for membership in the membership organization, have affirmatively accepted the membership organization's invitation to become a member, and either:
 - A. pay membership dues at least annually, of a specific amount predetermined by the membership organization; or
 - B. have some other significant financial attachment to the membership organization, such as significant investment or ownership stake in the organization; or
 - C. have a significant organizational attachment to the membership organization that includes direct participatory rights in the

governance of the organization, such as the right to vote on the organization's board, budget, or policies.

Members of a local union are considered to be members of any national or international union of which the local union is a part, of any federation with which the local, national, or international union is affiliated, and of any other unions which are members or affiliates of the federation. Other persons who have an enduring financial or organizational attachment to the membership organization are also members, including retired members or persons who pay reduced dues or other fees regularly to the membership organization.

14. Nonparticipating Candidate. "Nonparticipating candidate" has the same meaning as in the Act [§ 1122(5)].
15. Participating Candidate. "Participating candidate" has the same meaning as in the Act [§ 1122(6)].
16. Qualifying Contribution. "Qualifying Contribution" has the same meaning as in the Act [§ 1122(7)].
17. Qualifying Period. "Qualifying period" has the same meaning as in the Act, except that for special elections, vacancies, withdrawals, deaths, disqualifications or replacements of candidates, the qualifying period shall be the period designated in section 8 of this chapter [§ 1122(8)].
18. Seed Money Contribution. "Seed money contribution" has the same meaning as in the Act [§ 1122(9)].
19. Write-In Candidate. "Write-in candidate" means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect the candidate.

SECTION 42. ORGANIZATION

1. **Commission.** The Commission on Governmental Ethics and Election Practices is an independent agency of the State, consisting of five (5) members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature in accordance with Title 1, section 1002, subsection 1. The Commission members will elect one member to serve as Chair ~~for at least a 2-year term~~. Except for the Chair, the members of the Commission have no individual authority.

2. Office.
 - A. The Commission employs such staff as may be authorized by the Legislature. A Director supervises the staff and is responsible for all day-to-day operations. In the interim between Commission meetings, the Director reports to the Chair, who acts on behalf of the Commission on certain administrative matters. The Commission's offices are located in the State Office Building, where any filing or written submission may be made between the hours of 8 a.m. and 5 p.m. on any day when state government offices are open, except that filings by facsimile or electronic means, where otherwise permitted by rule, may be transmitted at any time. The office has a mailing address of 135 State House Station, Augusta, Maine 04333.
 - B. All records of the Commission are maintained in these offices, where they are available for inspection or copying, except as particular records are made confidential by law. The cost of copying Commission documents is set by the Director of the Commission, subject to reasonable limitations and approval of the Commission.
 - C. During any period when the position of Director is vacant, the Chair of the Commission will appoint an acting Director.

SECTION 23. MEETINGS

1. Regular Meetings. The Commission will meet at least four times during the course of any year in which a general election is held, and at least twice during every other year. A tentative schedule of meetings for each calendar year will be adopted at the first meeting in each year. A meeting will be held as early as possible after the appointment of (a) new commission member(s) in each even-numbered year to select a Chair.
2. Special Meetings. The Commission may meet at any time at the call of the Secretary of State, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Commission, or a majority of its members. Each member of the Commission must have at least 24 hours notice of the time, place and purpose of the meeting. If written notice is not feasible, telephone notice satisfies the foregoing requirement.
3. Agenda. The Director will prepare a written agenda for each meeting of the Commission. The agenda will contain items of business to be considered, staff findings and recommendations, and will include the date,

time and location of the meeting. When possible, the agenda will be mailed to each Commission member at least 7 days before the meeting.

4. **Notice.** In addition to the public notice required by the public meetings law, 1 M.R.S.A. Section 406, notice of Commission meetings will be given to those directly involved or affected by matters pending before the Commission, as follows:
 - A. **Legislative Ethics.** When a properly filed request or referral is made for an advisory opinion on a question of legislative ethics, notice that the matter has been placed on the agenda for a Commission meeting will be given by mail to the Legislator whose circumstances or conduct is at issue, or to the Presiding Officer of either House referring the inquiry. When a complaint alleging a violation of the laws on legislative ethics is filed, the Legislator will be informed promptly of the nature of the allegations and the existence of any investigation by the Commission. Notice that the matter has been placed on the agenda for a Commission hearing will be given by certified mail to both the Legislator and the complainant not less than 10 days before the date set for a hearing.
 - B. **Campaign Reports and Finances Law; Lobbyist Disclosure Law.** Notice of the Commission's consideration of any noncompliance with the requirements of the Campaign Reports and Finances Law or Lobbyist Disclosure Law will be provided to any person or organization alleged to have committed a violation and to any person who has officially requested a Commission investigation or determination.
 - C. **Other Matters.**
 - (1) With respect to any other matter presented to the Commission, notice will be given to the person or organization whose conduct is at issue, and to any complainant, except as provided in Section 3, subsection 1, paragraph B of these rules.
 - (2) The notice will include the date, time, and location of the Commission meeting. If mail notice of a meeting is not feasible, the staff will make best efforts to give oral notice to Commission members or to those entitled to notice under this provision.
5. **Public Meetings.** All meetings, hearings or sessions of the Commission will be open to the general public unless, by an affirmative vote of at least

3 members, the Commission requires the exclusion of the public, pursuant to 1 M.R.S.A. Section 1005 or 1 M.R.S.A. Section 1013(3).

6. Quorum. Every decision of the Commission must be made at a meeting at which at least 3 members of the Commission are present and voting. When it is impossible or impractical for a member of the Commission to travel to Augusta to attend a meeting in person, the member may participate in the meeting by telephone. That member will be considered present at the meeting and part of the quorum.

At least 2 members must be present in person for the conduct of a meeting or public hearing before the Commission. If fewer than 3 members are present in person for a hearing, however, objections to rulings of the presiding officer concerning the conduct of the hearing must be preserved until a meeting of the Commission at which a quorum is present in person. The presiding officer at a meeting or public hearing must be present in person.

7. Minutes.
 - A. The Director will prepare minutes of each business meeting of the Commission. These minutes will be the official record of Commission meetings, and will accurately record all matters considered.
 - B. The minutes will record any executive session of the Commission and its subject matter, but will not report the proceedings of the executive session. Likewise, minutes will not be taken of any public hearing held by the Commission, since hearings are separately recorded.

SECTION 34. INITIATION OF PROCEEDINGS

1. Legislative Ethics. The Commission is authorized to investigate and make advisory recommendations to either House of the Maine Legislature concerning legislative conflicts of interest or any breach of the legislative ethics set forth in 1 M.R.S.A. Sections 1001 - 1023. The Commission's opinion may be sought by three methods, or the Commission may act on its own motion.
 - A. Legislator's Own Conduct.
 - (1) A Legislator seeking an advisory opinion with respect to his or her own circumstances or conduct should make a written request for an opinion, setting forth the pertinent facts with

respect to the legislative matter at issue and the circumstances of the Legislator giving rise to the inquiry.

- (2) The request will be officially filed only when received at the offices of the Commission. The Director will promptly send a copy of the request to the Chair, and the matter will be placed on the agenda for the next Commission meeting, or if necessary, at a special meeting.
- (3) An oral request by a Legislator for an opinion with respect to his or her own circumstances will not be considered an official request for an advisory opinion, and a Legislator making such a request will be so notified, by letter, and encouraged to file a written request.

B. Complaints. Any written complaint will be included in the agenda of the next Commission meeting.

- (1) Complaint by a Legislator. Copies of any sworn complaint filed by a Legislator will promptly be sent to the Legislator against whom the complaint has been lodged and to the Commission Chair, in each case identifying the Legislator making the complaint. A complaint invokes the Commission's authority only if made under oath and only if it addresses an alleged conflict of interest relating to circumstances arising during the term of the legislature then in office.
- (2) Other Complaints.
 - (a) The Director will review each complaint to determine whether the matter relates to the Commission's statutory mandate. When a complaint is filed, the Director, in consultation with Commission Counsel, will review the matter to determine whether the complaint has sufficient merit to warrant recommending the calling of a meeting. When a meeting is called, the Commission will determine in executive session whether to hear the complaint. If the nature of the complaint clearly does not fall within the scope of the Commission's jurisdiction, the Director will so notify the complainant by letter within 14 days of receiving the complaint. In such cases, the respondent need not be notified. The Commission may reverse any administrative decision.

- (b) An oral complaint by any person alleging a conflict of interest concerning any legislator does not constitute a complaint under 1 M.R.S.A. Section 1013(2)(B), and a person registering such a complaint will be so notified, by letter.
 - C. Referral by Presiding Officer. When a Legislator has requested an advisory opinion from the Presiding Officer of the House of which he/she is a member, and the Presiding Officer has referred the inquiry directly to the Commission, the Director will arrange a meeting of the Commission as soon as possible to consider the question.
- 2. Election Campaign Reporting.
 - A. Report Review. The Commission staff will review all filings made pursuant to 21-A M.R.S.A. Sections 1001 - 1062 to ascertain any apparent violations of the filing requirements set by statute or rule. Reports and registrations will be checked for violations against a standardized checklist. Notice of any omission, error, or violation will be given by mail to the filer and a copy of the notice and any other communication made to or from the filer relating to the problem(s) will be placed in the filer's record. The notice will include a request that the filer remedy any omission or error within 15 days of the date of the notice. If the filer fails to respond within that time frame, the Commission staff may contact the filer to establish a reasonable grace period within which the filer must comply. If the filer does not rectify the problem, the matter will be placed on the agenda of the next Commission meeting, along with all documents relating to the case. Additionally, any apparent occurrences of substantial nonconformance with the requirements of the law will be placed on the agenda of the next meeting, including, but not limited to, the following:
 - (1) Failure to properly sign a required report,
 - (2) Failure to file a required report or registration,
 - (3) Late filing of a required report or registration outside the grace period,
 - (4) Failure to disclose contributions received or expenditures made of more than \$500 in the aggregate on reports due after the 12th day before an election, or

- (5) Exceeding contribution limitations. For the purposes of the limitations imposed by 21-A M.R.S.A. Section 1015(1), 21-A M.R.S.A. Section 1015(2), 21-A M.R.S.A. Section 1015(3), and 21-A M.R.S.A. Section 1056, the following guidelines shall apply:
- (a) All contributions made to a candidate through the day of the primary election for which the candidate seeks office are deemed to be made in the primary election.
 - (b) Notwithstanding division (c) below, if a candidate loses in the primary, all contributions made to that candidate for the purpose of liquidating debts and liabilities associated with the candidate's candidacy are deemed to be made in the primary election.
 - (c) All contributions made to a candidate from the day after the primary election through the date of the general election for which the candidate seeks office are deemed to be made in the general election.
 - (d) Notwithstanding division (e) below, all contributions made after the general election to a general election candidate for the purpose of reducing debts and liabilities associated with the candidate's candidacy are deemed to be made in the general election.
 - (e) All contributions made after the day of the general election to a candidate who has liquidated all debts and liabilities associated with that election are deemed to be made in support of the candidate's candidacy for a subsequent election.
- (6) Divisions (a) through (e) above shall apply to any write-in candidate who has qualified under 21-A M.R.S.A. Section 723, or who has received contributions or made expenditures with the intent of qualifying as a candidate.
- B. The Commission will determine whether a report substantially conforms to the requirements of the law. At each meeting, the Director will submit a summary of all cases resolved administratively. The Commission may reverse any administrative decision.
- C. Late Reports and Registrations. Where required by statute, notice of failure to file a required report will be timely sent by Commission

staff. When a report or registration is filed late, the Director's recommendations will be based on the following considerations:

- (1) Lateness of report or registration,
- (2) Reason for lateness,
- (3) Kind of report (more stringent application for pre-election reports),
- (4) Amount of campaign funds not properly reported,
- (5) Previous record of the filer, and
- (6) Good faith effort of the filer to remedy the matter.

- D. Reports of noncompliance with the provisions of the campaign registration and reporting laws that may come to the attention of the Commission staff from any source other than review of the reports filed will be reported to the Commission Chair. Any person (as defined in 21-A M.R.S.A. Section 1001) may make an official request for a Commission investigation or determination by filing a written request at the Commission's office, setting forth such facts with sufficient details as are necessary to specify the alleged violation. Statements should be made upon personal knowledge. Statements which are not based upon personal knowledge must identify the source of the information which is the basis for the request, so that respondents and Commission staff may adequately respond to the request. A copy of any such written request will be promptly mailed to the Commission Chair as well as to the candidate or organization alleged to have violated the statutory requirements. An official request will be placed on the agenda of the next Commission meeting.
- E. An oral report of a violation, or a written request containing insufficient detail to specify the violation charged, does not constitute an official request for a Commission determination, and a person registering such a complaint will be so notified. The Director will list any oral report of a violation, or insufficient written report, on the agenda of the Commission's next meeting, but no action will be taken except upon the Commission's initiative. The person alleged to have committed a violation will be notified of the Commission meeting.
- F. If the Director and Counsel are in agreement that the subject matter of a request for an investigation is clearly outside the

jurisdiction of the Commission, the staff may forward the request to the appropriate authority or return it to the person who made the request, provided that the staff notifies the Commission members of the action at the next Commission meeting.

- G. The signature of a person authorized to sign a report or form constitutes certification by that person of the completeness and accuracy of the information reported. The use of a password in filing an electronic report constitutes certification of the completeness and accuracy of the report.

3. Lobbyist Disclosure Procedures.

- A. Report Review. The Commission staff will monitor all filings made pursuant to 3 M.R.S.A. Section 311 et seq. for timeliness, legibility, and completeness. The staff will send the lobbyist a notice of any apparent reporting deficiency, including failure to use prescribed forms. The notice will include a request that the deficiency be corrected within 15 business days of the notice. If remedy is not made, it will be noted on the agenda of the next Commission meeting. The Commission may reject reports that are incomplete or illegible.
- B. Late Registrations and Reports. Notice will be given by mail to any lobbyist whose registration, monthly disclosure report, or annual report is delinquent. In the case of a late monthly report, the notice must be mailed within 7 business days following the filing deadline for the report. In the case of late annual reports and registrations, the notice must be mailed within 15 business days following the filing deadline. The notice must include a statement specifying the amount assessed. A penalty of \$100 will be assessed the lobbyist for every month that a monthly disclosure report is late and a penalty of \$200 will be assessed the lobbyist and employer for every month a registration or annual report is filed late. For purposes of 3 M.R.S.A. Section 319(1), the month will end on the 15th day of the month following the month in which a report was due. Any failure to submit a required report, registration, or penalty fee will be noted on the Commission agenda.
- C. Suspensions. The Commission may suspend any person from lobbying who fails to file a required report or pay an assessed fee. A notice of the suspension must be mailed to the lobbyist by U.S. Certified Mail within three days following the suspension. Reinstatement will occur on the date the required report or payment is received in the Commission office. A notice of the reinstatement must be mailed to the lobbyist by U.S. Certified Mail.

or given directly to the lobbyist within three days following receipt of the required report or payment.

- D. Request for Penalty Waiver. A lobbyist may request a waiver of any late penalty the lobbyist incurs. The request must be made in writing to the Commission and must state the reason for the delinquency. Any such request must be noted on the agenda of the next Commission meeting. Only the Commission may grant penalty waivers.
- E. Request for Waiver of Nonsession Reporting Requirement. A lobbyist may request a waiver of the monthly nonsession reporting requirement set forth in 3 M.R.S.A. Section 317(4) if the lobbyist does not expect to be engaged in lobbying when the Legislature is not in session. The Director is authorized to provisionally grant such waivers pending approval by the Commission. Provisional waivers may be granted only where a request is properly filed, the statement properly completed, and where there is no apparent reason to doubt the statement is true. During the period in which the waiver is effective, reports will not be required. If lobbying is resumed during the period for which the waiver was granted, the lobbyist must file a monthly disclosure report for the month or months lobbying was conducted.
- F. Faxing Duly Executed Lobbyist Registration, Reports. Any registration or report required by 3 M.R.S.A. ch. 15 may be provisionally filed by transmission of a facsimile copy of the duly executed report to the Commission, provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

SECTION 45. FACT FINDING AND INVESTIGATIONS

1. Before Commission Meeting. With respect to any inquiry, report or request for Commission action properly filed in accordance with the preceding section, the Director may conduct such preliminary fact finding as is deemed prudent and desirable. When the Director and Counsel find a basis for a preliminary investigation, they will recommend such steps to the Chair as necessary. Pursuant to reviewing reports or finding of fact, the Director, in consultation with Counsel, will prepare a summary of findings and recommendations for inclusion on the agenda. The Chair is authorized to issue subpoenas in the name of the Commission to compel the attendance of witnesses or the production of records, documents or other evidence when the Chair and the Commission's Counsel are in agreement that the testimony or evidence sought by the subpoena is likely

to be of critical importance to disposition of the matter; and to issue any subpoena in the name of the Commission on behalf of any person having a statutory right to an agency subpoena. Any oral testimony compelled by a subpoena issued by this provision will be presented initially and exclusively to the Commission.

2. By the Commission. Once any matter is reached on the agenda of a Commission meeting, the Commission will control any further investigation or proceedings. No hearings will be held except by direction of the Commission. On a case-by-case basis, the Commission may authorize its Chair, Director, or any ad hoc committee of its members, to conduct further investigative proceedings on behalf of the Commission between Commission meetings. Any authorization so conferred will be fully reflected in the minutes of the Commission meeting.

SECTION 6. CONTRIBUTIONS AND OTHER RECEIPTS

1. A loan is a contribution at the time it is made unless the loan was made by a financial institution in the State of Maine in the ordinary course of business. Loans continue to be contributions until they are repaid. Loans are subject to the candidate contribution limitations, except for loans made by the candidate, the candidate's spouse, or a financial institution in the State of Maine in the ordinary course of business.
2. Candidates and political action committees must report the occupation and employer of each individual contributor who gives, in the aggregate, more than \$50 for an election. The reporting is required for private contributions raised by traditionally financed candidates and for seed money contributions to candidates participating in the Maine Clean Election Act. Candidates and political action committees must make a reasonable effort to obtain the employment information of the contributor. If a candidate or political action committee is unable to obtain the information from the contributor in response to a request, the candidate or committee shall indicate "information requested" in the occupation and employer sections of the campaign finance report.
3. Unless specifically exempted under Title 21-A M.R.S.A. Sections 1012 and 1052 or this section, the provision of any goods or services without charge or at a charge that is less than the usual and customary charge for such goods or services is an in-kind contribution. Examples of such goods and services include, but are not limited to: equipment, facilities, supplies, personnel, advertising, and campaign literature. If goods or services are provided at less than the usual and customary charge, the amount of the in-kind contribution is the difference between the usual and

customary charge and the amount charged the candidate or political committee.

4. An employer that has authorized an employee to provide services without charge to a candidate or political committee during the employee's paid work-time has made an in-kind contribution to the candidate or political committee. No contribution has been made if the employee is providing services as a volunteer outside of the employee's paid work-time.
5. A commercial vendor that has extended credit to a candidate or political committee has not made a contribution if the credit is extended in the ordinary course of the vendor's business and the terms are substantially similar to extensions of credit made to nonpolitical debtors that are of similar risk and size of obligation.
6. Cash, goods, and services provided to a candidate for purposes of a recount of an election are not campaign contributions. The donations are not subject to campaign finance reporting requirements and contribution limits.

SECTION 57. CONTENT OF CAMPAIGN FINANCE REPORTS EXPENDITURES

1. Expenditures By Consultants, Employees, and Other Agents of a Political Campaign. Expenditures made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee shall be deemed expenditures by the candidate or committee. Such expenditures must be reported by the candidate or committee as if made or incurred by the candidate or committee directly.
2. Expenditures By Political Action Committees. In addition to the requirements set forth in 21-A M.R.S.A. Section 1060(4), the reports must contain the purpose of each expenditure and the name of each payee and creditor.
3. Timing of Reporting Expenditures.
 - A. Placing an order with a vendor for a good or service; signing a contract for a good or service; the delivery of a good or the performance of a service by a vendor; or a promise or an agreement (including an implied one) that a payment will be made constitutes an expenditure, regardless whether any payment has been made for the good or service. Negotiations or discussions

with a vendor do not constitute an expenditure, as long as no order has been placed and no agreement has been made.

B. Expenditures must be reported at the earliest of the following events:

- (1) The placement of an order for a good or service;
- (2) The signing of a contract for a good or service;
- (3) The delivery of a good or the performance of a service by a vendor;
- (4) A promise or an agreement (including an implied one) that a payment will be made; or
- (5) The making of a payment for a good or service.

C. At the time the duty to report an expenditure arises, the person submitting the report is required to make a good-faith effort to determine the value of goods and services to be rendered (preferably through a written statement from the vendor) and to report that value as the amount of the expenditure. If the exact value of the goods and services cannot be determined at that time, the person must make a good-faith effort to estimate the value of the goods and services. If the actual amount subsequently billed by or paid to the vendor differs from the amount initially reported, the difference must be immediately reported to the Commission so that the amount of the reported expenditure is accurate.

4. Advance Purchases of Goods and Services for the General Election.

A. Consulting services, or the design, printing or distribution of campaign literature or advertising, contracted or paid for prior to the primary election must be received prior to the primary election in order to be considered primary election expenditures.

B. If a preponderance of the types of goods and services described in paragraph A purchased during the primary election cycle will be used during the general election cycle, then the candidate or any other person required to file a report with the Commission shall report these purchases as expenditures used for the general election cycle.

5. ~~In-Kind Contribution. "In-kind contribution" means any gift, subscription, loan, advance or deposit of anything of value other than money made for the purpose of influencing the nomination or election of any person to political office or for the initiation, support or defeat of a ballot question.~~

5. All payments made by a candidate or by individuals authorized by the candidate that are made for the purpose of influencing the candidate's nomination or election must be reported as expenditures in the reporting period during which the payment is made, including payments made with the personal funds or credit card of the candidate or authorized individual. When the expenditure is reported, the candidate should indicate the person making the payment by entering "Paid by [candidate or supporter]" in the remarks section of the expenditure schedule.
6. Multiple expenditures for bank fees and for vehicle travel may be reported in an aggregate amount, provided that the candidate or committee identifies the time period of the expenditures in the remarks section of the report.
7. Payments made for purposes of a recount of an election are not campaign expenditures. The payments are not subject to campaign finance reporting requirements, and third-party expenditures that are coordinated with the candidate solely for that purpose are not contributions to the candidate.

SECTION 68. PROHIBITED COMMUNICATIONS

Commission members shall not discuss any specific case under investigation, or any case which may reasonably be expected to be the subject of investigation, as long as the matter is pending before the Commission and, where applicable, until anybody to whom the Commission renders an advisory opinion has concluded its action and any appeals therefrom have been exhausted.

SECTION 79. ACCELERATED REPORTING SCHEDULE

1. General. In addition to other reports required by law, any candidate for Governor, State Senator or State Representative who is not certified as a Maine Clean Election Act candidate under Title 21-A, section 1121 et seq., and who has a certified candidate as an opponent in an election must comply with the following reporting requirements on forms prescribed, prepared, and provided by the Commission.

INFORMATIONAL NOTE: Title 21-A, section 1017 prescribes reporting requirements for candidates.

2. 101% Report. Any candidate subject to this section, who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate opponent in the same race, must file with the Commission, within 48 hours of such

receipt, expenditure, or obligation, a report detailing the candidate's total campaign contributions, receipts, expenditures and obligations to date. The Commission will notify all candidates who have an opposing certified candidate of the applicable distribution amounts and of the 101% Report requirement.

3. Any traditionally funded candidate with a Maine Clean Election Act opponent shall file the following three reports detailing the candidate's total campaign contributions, obligations and expenditures to date, except that a candidate who has not received, spent, or obligated the amount sufficient to require a report under subsection 2 may file an affidavit, by the date the report is due, attesting that the candidate has not received, spent or obligated that amount:
 - A. a report filed not later than 5 p.m. on the 42nd day before the date on which an election is held that is complete as of the 44th day before the date of that election;
 - B. a report filed not later than 5 p.m. on the 21st day before the date on which an election is held that is complete as of the 23rd day before the date of that election; and
 - C. a report filed not later than 5 p.m. on the 12th day before the date on which an election is held that is complete as of the 14th day before the date of that election.
4. 24-Hour Report. Any candidate who is required to file a 101% report must file an updated report with the Commission reporting single expenditures of \$1,000 or more by candidates for Governor, \$750 by candidates for State Senator, and \$500 by candidates for State Representative made after the 14th day before any election and more than 24 hours before 5 p.m. on the date of that election. The report must be submitted to the Commission within 24 hours of those expenditures.
5. Filing by Facsimile or Electronic Means. For purposes of this section, reports may be filed by facsimile or by other electronic means acceptable to the Commission, and such reports will be deemed filed when received by the Commission provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

SECTION §10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!".
 - C. "Independent expenditure" has the same meaning as in Title 21-A, section 1019-B. 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 and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
 - A. Independent expenditures aggregating in excess of \$100 per candidate per election but not in excess of \$250 made by any person, party committee, political committee or political action committee must be reported to the Commission no later than the 12th day before the election is held, or within 24 hours of the expenditure, whichever is later. ~~in accordance with the following reporting schedule.~~

~~(1) Quarterly Reports.~~

- ~~(a) A report must be filed on January 15th and be complete as of January 5th;~~
- ~~(b) A report must be filed on April 10th and be complete as of March 31st;~~
- ~~(c) A report must be filed on July 15th and be complete as of July 5th; and~~
- ~~(d) A report must be filed on October 10th and be complete as of September 30th.~~

~~(2) Pre- and Post-Election Reports.~~

- ~~(a) A report must be filed on the 6th day before the election is held and be complete as of the 12th day before the election.~~
- ~~(b) A report must be filed on the 12nd day after the election is held and be complete as of the 35th day after the election.~~

- B. Independent expenditures aggregating in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission within 24 hours of those expenditures. Additional reports are required for subsequent increments of independent expenditures aggregating in excess of \$250 within 24 hours of those expenditures.
- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.

4. Multi-Candidate Expenditures. When reporting an independent expenditure made to support the election of multiple candidates, the cost should be allocated among the candidates in proportion to the benefit received by each candidate.

- A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the communication. For example, if campaign literature naming Senate candidate X and House candidates Y and Z is mailed to 10,000 voters in X's district, and 4,000 of those voters reside in Y's district and 6,000 of those voters live in Z's district, the allocation of the expenditure

should be reported as: 50% for X, 20% for Y, and 30% for Z. If the approximate number of voters in each district who will receive the communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.

B. If multiple county or legislative candidates are named or depicted in a communication, but voters in some of the candidates' electoral districts will not receive the communication, those candidates should not be included in the allocation. For example, if an expenditure on a legislative scorecard that names 150 Legislators is distributed to voters within a town in which only one Legislator is seeking re-election, 100% of the cost should be allocated to that Legislator's race.

C. If candidates are given disproportionate treatment in a print or broadcast communication, the individual or organization reporting the expenditure should allocate the cost accordingly. For example, if a Senate candidate is featured twice as prominently as a House candidate in a written communication, the amount allocated to the Senate candidate would be increased in proportion.

5. Rebuttable Presumption. Under Title 21-A M.R.S.A. §1019-B(1)(B), an expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate in a race involving a Maine Clean Election Act candidate and that is disseminated during the 21 days before an election will be presumed to be an independent expenditure, unless the person making the expenditure submits a written statement to the Commission stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate.

A. The following types of communications may be covered by the presumption if the specific communication satisfies the requirements of Title 21-A M.R.S.A. §1019-B(1)(B):

- (1) Printed advertisements in newspapers and other media;
- (2) Television and radio advertisements;
- (3) Printed literature;
- (4) Recorded telephone messages;
- (5) Scripted telephone messages by live callers; and
- (6) Electronic communications.

This list is not exhaustive, and other types of communications may be covered by the presumption.

B. The following types of communications and activities are not covered by the presumption, and will not be presumed to be independent expenditures under Title 21-A M.R.S.A. Section 1019-B(1)(B):

- (1) voting records and legislative scorecards, if the communications do not expressly advocate the election or defeat of any candidate and the communication describes the voting records of 25 or more Legislators of more than one political party;
- (2) oral conversations between two individuals;
- (3) news stories and editorials, unless the facilities distributing the communication are owned or controlled by the candidate or a political committee;
- (4) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not name or depict a clearly identified candidate;
- (5) any communication from a membership organization to its members or from a corporation to its stockholders if the organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person for state or county office;
- (6) the use of offices, telephones, computers, or similar equipment when that use does not result in additional cost to the provider;
- (7) candidate forums and debates, if the organizer of the forum has given all candidates an equal opportunity to participate, the organizer of the forum has treated all candidates in a neutral fashion, and the materials distributed by the organizer of the forum are not intended to influence the nomination or election of any candidate;
- (8) the payment by a party committee of the costs of preparation, display or mailing or other distribution of a party candidate listing; and
- (9) other communications and activities that are excluded from the legal definition of "expenditure" in the Election Law.

- C. If an expenditure is covered by the presumption and is greater, in the aggregate, than \$100 per candidate per election, the person making the expenditure must file an independent expenditure report or a signed written statement that the expenditure was not made with the intent to influence the nomination, election or defeat of a candidate.
- D. If a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the 21-day period applies to the date on which the communication is disseminated directly to voters, rather than the date on which the committee or association distributes the literature to its affiliates or members.
- E. For the purposes of determining whether a communication is covered by the presumption, the date of dissemination is the date of the mailing, distribution, or broadcast of the communication, rather than the day on which it is received.
- F. An organization that has been supplied printed communications covered by the presumption and that distributes them to voters must report both its own distribution costs and the value of the materials it has distributed. If the actual costs of the communications cannot be determined, the organization must report the estimated fair market value.
- G. If a person wishes to distribute a specific communication that appears to be covered by the presumption and the person believes that the communication is not intended to influence the nomination, election or defeat of a candidate, the person may submit the rebuttal statement to the Commission in advance of disseminating the communication for an early determination. The request must include the complete communication and be specific as to when and to whom the communication will be disseminated.

SECTION 911. REPORTS OF BALLOT QUESTION CAMPAIGN ACTIVITY BY PERSONS AND ORGANIZATIONS OTHER THAN POLITICAL ACTION COMMITTEES

When a person or organization is required under 21-A M.R.S.A. Section 1056-B to file reports because of contributions or expenditures of more than \$1,500 made in support of or in opposition to a ballot question, the reports must be filed according to the following schedule:

1. **Quarterly Reports.** Reports must be filed on the following deadlines until the date of the election on which the question is on the ballot:
 - A. A report must be filed on January 15th and be complete as of January 5th;
 - B. A report must be filed on April 10th and be complete as of March 31st;
 - C. A report must be filed on July 15th and be complete as of July 5th; and
 - D. A report must be filed on October 10th and be complete as of September 30th.

2. **Pre- and Post-Election Reports.** The person or organization must file the following reports:
 - A. A report must be filed on the 6th day before the election is held and be complete as of the 12th day before the election.
 - B. A report must be filed on the 42nd day after the election is held and be complete as of the 35th day after the election.

3. **48-Hour 24-Hour Reports.** Any contribution or expenditure in excess of \$500 made after the 12th day before the election and more than 48 24 hours before the election must be reported within 48 24 hours of that contribution or expenditure or by noon of the first business day after the contribution or expenditure, whichever is later.

SECTION 12. CAMPAIGN CONTRIBUTIONS DURING LEGISLATIVE SESSION

1. Seed Money Contributions. Legislators and other individuals covered by Title 1 M.R.S.A. Section 1015(3)(B) may not intentionally solicit or accept a seed money contribution from a lobbyist or lobbyist associate during any period of time in which the Legislature is convened until final adjournment.

2. Acceptance of Contributions Through Political Action Committees. During a legislative session, political action committees that are closely associated with a Legislator, such as committees organized to elect a candidate or Legislator to a leadership position or committees organized to elect the candidates of a legislative caucus, may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, or employer. During the legislative session, these political action committees may accept contributions from individuals and organizations that are not lobbyists, lobbyist associates, and their employers. Lobbyists, lobbyist associates, and employers may not contribute to political action committees closely associated with a Legislator during a legislative

session, unless their contributions are segregated in a fund that is not used to influence the election or defeat of any incumbent Legislators.

3. Making a Contribution Through a Political Action Committee. During a legislative session, an organization that employs a lobbyist may not make a contribution through a political action committee with which the organization is affiliated or direct that the affiliated political action committee make a contribution to a Legislator.

STATUTORY AUTHORITY:

1 M.R.S.A. § 1002, as amended; 1 M.R.S.A. § 1003; 21-A M.R.S.A. § 1017, subsection 3-B; 21-A M.R.S.A. § 1019, as amended; 21-A M.R.S.A. § 1125, sub-§ 9; 21-A M.R.S.A. § 1126.

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94-270 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Chapter 3: MAINE CLEAN ELECTION ACT AND RELATED PROVISIONS

[NOTE: THE COMMISSION PROPOSES MOVING THE DEFINITIONS SECTION TO CHAPTER 1 OF THE COMMISSION RULES.]

~~SECTION 1. DEFINITIONS~~

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

- ~~1. Act. "Act" means the Maine Clean Election Act, Title 21-A, chapter 14.~~
- ~~2. Campaign Deficit. "Campaign deficit" means debts, liabilities, and unmet financial obligations from all previous campaigns as reported to the Commission on campaign termination report forms required by Title 21-A, chapter 13, subchapter II [§ 1017(9)].~~
- ~~3. Campaign Surplus. "Campaign surplus" means money, equipment, property and other items of value remaining after retiring previous campaign deficit as reported to the Commission on campaign termination report forms required by Title 21-A, chapter 13, subchapter II [§ 1017(9)].~~
- ~~4. Candidate. "Candidate" has the same meaning as in Title 21-A, chapter 1, subchapter I [§ 1(5)].~~

~~[INFORMATIONAL NOTE: All contributions made after the day of the general election to a candidate who has liquidated all debts and liabilities associated with that election are deemed to be made in support of the candidate's candidacy for a subsequent election. Commission Rules, chapter 1, subdivision 3.2.A(5)(e). A candidate who collects funds subsequent to an election for purposes other than retiring campaign debt is required to register with the Commission. Title 21-A, chapter 13, subchapter II [§ 1013-A].~~

- ~~5. Certified Candidate. "Certified candidate" has the same meaning as in the Act [§ 1122(1)].~~
- ~~6. Commission. "Commission" means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33, and 1 M.R.S.A. section 1001 et seq.~~
- ~~7. Contribution. "Contribution" has the same meaning as in Title 21-A, chapter 13, subchapter II [§ 1012(2)].~~

8. ~~Election. "Election" means any primary, general or special election for Governor, State Senator or State Representative. The period of a primary election begins on the day a person becomes a candidate as defined in 21 A.M.R.S.A. §1(5) and ends on the date of the primary election. The period of a general election begins on the day following the previous primary election and ends on the date of the general election. The period of a special election begins on the date of proclamation of the special election and ends on the date of the special election.~~
9. ~~Expenditure. "Expenditure" has the same meaning as in Title 21-A, chapter 13, subchapter II [§ 1012(3)].~~
10. ~~Fund. "Fund" means the Maine Clean Election Fund established by the Act [§ 1124].~~
11. ~~Nonparticipating Candidate. "Nonparticipating candidate" has the same meaning as in the Act [§ 1122(5)].~~
12. ~~Participating Candidate. "Participating candidate" has the same meaning as in the Act [§ 1122(6)].~~
13. ~~Qualifying Contribution. "Qualifying Contribution" has the same meaning as in the Act [§ 1122(7)].~~
14. ~~Qualifying Period. "Qualifying period" has the same meaning as in the Act, except that for special elections, vacancies, withdrawals, deaths, disqualifications or replacements of candidates, the qualifying period shall be the period designated in section 8 of this chapter [§ 1122(8)].~~
15. ~~Seed Money Contribution. "Seed money contribution" has the same meaning as in the Act [§ 1122(9)].~~

SECTION 21. APPLICABILITY

This chapter applies to candidates running for Governor, State Senator and State Representative who choose the alternative campaign financing option established by the Maine Clean Election Act for elections to be held beginning in the year 2000. Candidates participating in the Maine Clean Election Act must comply with these rules and all other applicable election and campaign laws and regulations. Some sections in this chapter also apply to and impose obligations on traditionally financed candidates and political committees that raise contributions and make expenditures in races involving Maine Clean Election Act candidates.

SECTION 32. PROCEDURES FOR PARTICIPATION

1. Declaration of Intent. A participating candidate must file a Declaration of Intent before collecting qualifying contributions. The Commission will provide a form for this purpose.
2. Content. The Declaration of Intent ~~must be sworn and notarized~~ and must include the following information:
 - A. an affirmation that the candidate is seeking certification as a Maine Clean Election Act candidate;
 - B. an affirmation that the candidate has not collected any qualifying contributions before signing the Declaration of Intent;
 - C. an affirmation that the candidate has not accepted any contributions, except for seed money contributions, after becoming a candidate;
 - D. an affirmation that the candidate has disposed of any campaign surplus before becoming a candidate for the new election, as required by paragraph 3.C [Campaign Surplus] of this section;
 - E. an affirmation that if the candidate has any campaign deficit, that the candidate will not accept contributions to repay that deficit as a participating candidate or certified candidate, except that the candidate may forgive any campaign loans to himself or herself made during any previous campaigns;
 - F. an affirmation that the candidate will continue to comply with applicable seed money restrictions and other requirements of the Act including, but not limited to, procedures for collecting qualifying contributions;
 - G. information identifying the candidate's treasurer, political committee, campaign finance account, social security number, and/or federal tax identification number; and
 - H. authorization by the candidate for the Commission, its agents or representatives to conduct financial audits of the candidate's campaign financial records and account(s).

3. Seed Money Restrictions.

- A. **General.** After becoming a candidate and before certification, a participating candidate may collect and spend only seed money contributions. The restrictions on seed money contributions apply to both cash and in-kind contributions.
- B. **Total Amount.**
- (1) A participating candidate must limit the candidate's total seed money contributions to the following amounts:
 - (a) fifty thousand dollars for a gubernatorial candidate;
 - (b) one thousand five hundred dollars for a candidate for the State Senate; or
 - (c) five hundred dollars for a candidate for the State House of Representatives.
 - (2) Notwithstanding any other provision of this chapter, a candidate may carry forward to a new candidacy of that candidate campaign equipment or property, subject to the reporting requirements of Title 21-A, chapter 13 [Campaign Reports and Finances].
 - (3) The Commission periodically will review these limitations and, through rulemaking, revise these amounts to ensure effective implementation of the Act.
- C. **Campaign surplus.** A candidate who has carried forward campaign surplus according to Title 21-A, chapter 13, subchapter II [§ 1017(8) and §1017(9)], and who intends to become a participating candidate, must dispose of campaign surplus in accordance with the requirements of Title 21-A, chapter 13, subchapter II [§ 1017(8)]; provided, however, that a candidate may carry forward only those portions of campaign surplus that comply with the provisions of this Act regarding seed money contributions [§ 1122(9) and 1125(2)]. Any campaign surplus (excluding campaign equipment or property) carried forward under this provision will be counted toward that candidate's total seed money limit.

INFORMATIONAL NOTE: The Commission will provide educational materials to all former candidates who have a campaign surplus describing the requirement that individuals must

dispose of campaign surplus to remain eligible for participation as a Maine Clean Election Act candidate.

- D. **Return of Contributions Not in Compliance with Seed Money Restrictions.** A participating candidate who receives a contribution exceeding the seed money per donor restriction or the total amount restriction must immediately return the contribution and may not cash, deposit, or otherwise use the contribution.
- E. **Case-by-Case Exception.** A participating candidate who has accepted contributions or made expenditures that do not comply with seed money restrictions may petition the Commission to remain eligible for certification as a Maine Clean Election Act candidate. The Commission may approve the petition and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:
- (1) the failure to comply was the result of an unintentional ~~administrative or accounting~~ error;
 - (2) the candidate immediately returned all contributions that did not comply with seed money restrictions or paid for goods or services contributed that did not comply with seed money restrictions;
 - (3) the candidate petitioned the Commission promptly upon becoming aware of the unintentional ~~administrative or accounting~~ error; and
 - (4) the failure to comply did not involve expenditures by the participating candidate significantly in excess of seed money total amount restrictions or otherwise constitute systematic or significant infractions of seed money restrictions.
- F. Accepting a loan from any source including a financial institution prior to certification, or spending money received in the form of a loan, is a violation of the seed money restrictions of the Act.
- FG. **Other.** A seed money contributor may also make a qualifying contribution to the same participating candidate provided that the contributor otherwise meets the requirements for making a qualifying contribution.

4. Qualifying Contributions.

- A. **General.** A participating candidate may collect qualifying contributions only during the relevant qualifying period and only after filing a Declaration of Intent with the Commission. Qualifying contributions must be acknowledged using forms provided by the Commission. The forms will include an affirmation by the contributor that the contributor received nothing of value in exchange for the signature and contribution.
- B. **Required Number of Qualifying Contributions.** A participating candidate must obtain the number of qualifying contributions during the qualifying period as required by the Act [§ 1122(7); § 1122(8); § 1125(3)].
- C. **Exchanges For Qualifying Contributions Prohibited.**
- (1) A participating candidate or an agent of that candidate may not give or offer to give a payment, gift, or anything of value in exchange for a qualifying contribution.
 - (2) This provision does not prohibit a participating candidate or that candidate's agent from collecting qualifying contributions at events where food or beverages are served, or where campaign promotional materials are distributed, provided that the food, beverage, and campaign materials are offered to all persons attending the event regardless of whether or not particular persons make a qualifying contribution to the participating candidate.
 - (3) This provision does not prohibit a candidate from using seed money to pay the fee for a money order provided the qualifying contributor pays the \$5 amount reflected on the money order as permitted by 21-A M.R.S.A. §1125(3).
- D. Money Orders. If the candidate collects a qualifying contribution in the form of a money order, the Commission shall count it toward the eligibility requirements only if it is signed by the contributor. If the money order does not contain a blank line for signatures, the signature may be made anywhere on the front of the money order.
- E. Checks Drawn on Business Accounts. Qualifying contributions must be made with the personal funds of the contributor. The Commission will not count a check drawn from an account with a business name toward the eligibility requirements, unless the name

of the contributor is included in the name of the account or the candidate submits a written statement from the contributor indicating that he or she uses the business account for personal expenses.

F. Family Members. Family members, domestic partners, and live-in caregivers who reside in a single household may make qualifying contributions in the form of a single check or money order of more than \$5 provided that:

- (1) all contributors sign the receipt and acknowledgement form;
- (2) all contributors are registered to vote at the address of the household; and
- (3) all contributions are made with the personal funds of the contributors.

DG. Verification of Registered Voters.

- (1) Before submitting qualifying contributions to the Commission, a participating candidate must establish that contributors who made qualifying contributions to that candidate are registered voters.
- (2) A participating candidate must obtain written verification from the Registrar of the number of persons providing qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.
- (3) Upon request of a participating candidate, and within 10 business days after the date of the request, the Registrar must verify the names of contributors of qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.

EH. Timing of Verification. For purposes of this chapter, the Commission will deem verification of registered voters by the Registrar at any time during the qualifying period to be an accurate verification of voter registration even if the registration status of a particular voter may have changed at the time the Commission determines certification of the participating candidate.

FI. Submission of Verified Qualifying Contributions. A participating candidate may submit a completed request for certification to the Commission at any time during the qualifying period. The request will be deemed complete and the candidate will be certified only if:

- (1) if the request is accompanied by the original signed qualifying contributions forms that have been verified by the Registrar(s) of the electoral division for the office the candidate is seeking; or
- (2) the candidate submits to the Commission during the qualifying period or by a statement of the candidate that such signature forms have been submitted to the Registrar(s) for verification on a specific date and the verified signature forms will be received by the Commission within 10 business days thereafter, and submits to the Commission during the qualifying period photocopies of the signature forms.

SECTION 43. CERTIFICATION OF PARTICIPATING CANDIDATES

1. Request for Certification.

- A. After final submission of qualifying contributions, but not later than 5:00 p.m. on the last day of the relevant qualifying period, a participating candidate may request certification as a Maine Clean Election Act candidate ~~on forms provided by the Commission.~~
- ~~B. The request for certification must contain the candidate's affirmation that the candidate will comply with all requirements of the Act and the Commission's rules, and the candidate's acknowledgment that, as long as that person remains a candidate, he or she may not discontinue participation under the Maine Clean Election Act alternative campaign financing option without violating the Act [§ 1127] and becoming obligated to return all amounts distributed to the candidate from the Fund.~~
- GB. All participating candidates must submit qualifying contributions in alphabetical order to the Commission along with qualifying contribution forms and an alphabetical list of contributors of qualifying contributions when applying for certification as a Maine Clean Election Act candidate. Candidates who do not submit the required number of original qualifying contributions within the qualifying period will not be certified.
- DC. The Commission will review candidate applications for certification in the order in which they are received, except that it will give priority to those candidates who are in a contested primary election.

CANDIDATE'S FULL NAME

**SCHEDULE C
LOANS AND LOAN REPAYMENTS**

List all new or continuing loans which were unpaid for any portion of this reporting period. Loans cannot exceed \$250 in any election for county and legislative candidates or \$500 in any gubernatorial election, except for loans from the candidate, the candidate's spouse, or a financial institution in the State of Maine.

LENDER	COLUMN 1	COLUMN 2			COLUMN 3	COLUMN 4	COLUMN 5
	LOAN BALANCE AT BEGINNING OF PERIOD	ACTIVITY THIS PERIOD (report amount and date)			AMOUNT FORGIVEN	LOAN BALANCE AT END OF PERIOD (1+2) - 3 - 4	
		ADDITIONAL AMOUNT LOANED	AMOUNT REPAYED				
Line 1 - Totals for each column		Enter on Schedule F, line 2	Enter on Schedule F, line 7			Enter on Schedule F, line 11	

**SCHEDULE D
UNPAID DEBTS AND OBLIGATIONS**

List any debts or obligations that are unpaid at the close of this period (even if reported on earlier statements).

If the campaign has not received a bill for goods or services or a credit card bill, contact the vendor or credit card company to obtain the amount owed. If it is impossible to verify the amount of the debt, enter an estimated amount and indicate that the amount is estimated in the purpose section.

Report actual payments to vendors on Schedule B.

DATE OBLIGATION INCURRED	CREDITOR'S NAME AND ADDRESS	PURPOSE	AMOUNT
1. Total unpaid debts and obligations (this page only) (totals from all Schedule D pages must be listed on Schedule F, line 10)			

CANDIDATE'S FULL NAME

**SCHEDULE E
CAMPAIGN EQUIPMENT/PROPERTY INVENTORY**

List in Part I equipment or property that the campaign owned at any time during the reporting period and that may be converted to the candidate's personal use, such as a computer, telephone/fax, photocopier, etc. Exclude signs, stationery, campaign literature and other goods which have value only to the campaign.

List in Part II all equipment or property from Part I that was sold, transferred, or donated during this reporting period.

PART I - ONGOING INVENTORY OF CAMPAIGN PROPERTY

DATE RECEIVED OR PURCHASED	DESCRIPTION OF EQUIPMENT OR PROPERTY	PURCHASE PRICE OR ESTIMATED VALUE WHEN ACQUIRED	FAIR MARKET VALUE (at close of this reporting period)
TOTAL ESTIMATED VALUE OF CAMPAIGN PROPERTY AT CLOSE OF THIS PERIOD			

PART II - SALES OR TRANSFERS OF CAMPAIGN PROPERTY THIS PERIOD

DATE SOLD, DONATED OR TRANSFERRED	NAME AND ADDRESS OF PURCHASER, DONEE, OR TRANSFEREE	DESCRIPTION OF PROPERTY	Column 1	Column 2
			SALE PRICE OR FAIR MARKET VALUE (if sold this period)	FAIR MARKET VALUE OF DONATED OR TRANSFERRED GOODS
TOTAL ACTIVITY FROM EQUIPMENT/PROPERTY DISPOSALS THIS PERIOD			Enter on Schedule F, line 3	

CANDIDATE'S FULL NAME

DATE SUBMITTED

**SCHEDULE F
SUMMARY SECTION (PRIVATELY FINANCED CANDIDATES)**

This page is required for all candidates except those checking the no-activity box on cover page of report. Cash balance on line 15 **MUST** match cash balance in bank account.

CASH TRANSACTIONS THIS REPORTING PERIOD

- 1. CASH CONTRIBUTIONS THIS PERIOD (total of all Schedule A pages)
- 2. LOANS THIS PERIOD (Schedule C; line 1, column 2)
- 3. SALE OF CAMPAIGN PROPERTY THIS PERIOD (Schedule E, Part II, Col. 2)
- 4. OTHER CASH RECEIPTS THIS PERIOD (interest, etc.)
- 5. TOTAL RECEIPTS THIS PERIOD (lines 1 + 2 + 3 + 4)
- 6. EXPENDITURES THIS PERIOD (total of all Schedule B pages)
- 7. LOAN REPAYMENTS THIS PERIOD (Schedule C; line 1, column 3)
- 8. TOTAL PAYMENTS THIS PERIOD (lines 5 + 6)

OTHER ACTIVITY THIS REPORTING PERIOD

- 9. IN-KIND CONTRIBUTIONS THIS PERIOD (total of all Schedule A-1 pages)
- 10. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)
- 11. TOTAL LOANS AT CLOSE OF PERIOD (Schedule C; line 1, column 5)

CASH SUMMARY FOR CAMPAIGN

- 12. CASH BALANCE AT BEGINNING OF PERIOD (Sch. F, line 15 from last report)
- 13. PLUS TOTAL RECEIPTS THIS PERIOD (line 5 above)
- 14. MINUS TOTAL PAYMENTS THIS PERIOD (line 8 above)
- 15. CASH BALANCE AT END OF PERIOD (must match bank account balance)

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2. Reporting. Together with the request for certification, a participating candidate must report all seed money contributions received, any other contributions received, and expenditures and obligations made after becoming a candidate.
3. Unspent Seed Money. Together with the request for certification, a participating candidate must report any unspent seed money. In order to distribute funds expeditiously, the Commission will deduct from the initial distribution from the Fund to a certified candidate an amount equal to the amount of unspent seed money reported by that candidate.
4. Certification. The Commission will certify a candidate as a Maine Clean Election Act candidate upon the participating candidate's satisfaction of the requirements of the Act [§ 1125] and this chapter.
5. Appeals. Any appeals challenging a certification decision by the Commission must be in accordance with the Act [§ 1125(14)].
6. ~~Limitations on Campaign Expenses. A certified candidate must:~~
 - A. ~~limit the candidate's campaign expenditures and obligations to the applicable Clean Election Act Fund distribution amounts plus any authorized Matching Fund allocations;~~
 - B. ~~not accept any contributions unless specifically authorized in writing to do so by the Commission in accordance with the Act [§ 1125(2) and § 1125(13)];~~
 - C. ~~use revenues distributed from the Fund only for campaign-related purposes according to guidelines outlining permissible campaign-related expenditures published by the Commission; and~~
 - D. ~~not use revenues distributed from the Fund for personal use.~~

[NOTE: SUBSECTION 6 MOVED TO NEW SECTION 6]

SECTION 54. FUND ADMINISTRATION

1. *Coordination with State Agencies.* The Commission will coordinate with the Bureau of Accounts and Control and other relevant State agencies to ensure the use of timely and accurate information regarding the status of the Fund.
2. *Publication of Fund Revenue Estimates.* By September 1st preceding each election year, the Commission will publish an estimate of revenue in

the Fund available for distribution to certified candidates during the upcoming year's election. The Commission will update the estimate of available revenue in the Fund after April 15th of an election year and again within 30 days after the primary election in an election year.

3. **Computation of Disbursement Amounts.** By July 1, 1999, and at least every 4 years after that date, the Commission will determine the amount of revenue to be distributed to certified candidates based on the type of election and office in accordance with the Act [§ 1125(8)].
4. **Distributions Not to Exceed Amount in Fund.** If the Commission determines that the revenues in the Fund are insufficient to meet distributions under this chapter, the Commission will permit certified candidates to accept and spend contributions in accordance with the Act [§ 1125(13)]. The Commission will notify participating and certified candidates in writing of any projected shortfall in the Fund and will specify timelines and procedures for compliance with this chapter in the event of any such shortfall.

SECTION 65. DISTRIBUTION OF FUNDS TO CERTIFIED CANDIDATES

1. **Fund Distribution.**
 - A. **Establishment of Account.** Upon the certification of a participating candidate, the Commission will establish an account with the Bureau of Accounts and Control, or such other State agency as appropriate, for that certified candidate. The account will contain sufficient information to enable the distribution of revenues from the Fund to certified candidates by the most expeditious means practicable that ensures accountability and safeguards the integrity of the Fund.
 - B. **Manner of Distribution of Fund.** The Commission will authorize distribution of revenues from the Fund to certified candidates by the most expeditious means practicable that ensures accountability and safeguards the integrity of the Fund. Such means may include, but are not limited to:
 - (1) checks payable to the certified candidate or the certified candidate's political committee; or
 - (2) electronic fund transfers to the certified candidate's or the certified candidate's political committee's campaign finance account.

2. Timing of Fund Distributions.

- A. **Distribution of Applicable Amounts.** The Commission will authorize the initial distribution of applicable amounts from the Fund to certified candidates in accordance with the time schedule specified in the Act [§ 1125(7)] and this Chapter [sec. 3.4].

INFORMATIONAL NOTE: An initial distribution from the Fund will not be made to a candidate until the Commission has certified that candidate in accordance with the provisions of the Act and this chapter. The initial distribution may be delayed if a candidate submits a list of qualifying contributors to the Registrar for verification during the last 10 business days of the qualifying period.

- B. **Matching Fund Allocations.** At any time after certification, revenues from the Fund may be distributed to certified candidates in accordance with subsection 3, below.

- C. **Advances.**

- (1) To facilitate administration of the Matching Fund Provision of this chapter, and to encourage participation in the Act, the Commission may authorize the advance distribution of revenues from the Fund to certified candidates. In determining whether to authorize such advances and the amounts of any such advances, the Commission will consider the amount of revenue in the Fund, the number of certified candidates, the number of nonparticipating candidates, and information contained in campaign finance and independent expenditure reports.
- (2) A certified candidate may only draw upon, spend or otherwise use, such advance Fund distributions after receiving written notification from the Commission authorizing a Matching Fund allocation in a specified amount. Written notification by the Commission may be by letter, facsimile or electronic means.

3. Matching Fund Provision.

- A. **General.** The Commission will authorize immediately an allocation of matching funds to certified candidates in accordance with the Act when the Commission determines that the eligibility for receipt of matching funds has been triggered [§ 1125(9)].

- B. Computation and Distribution. The Commission will determine a certified candidate's allocation of matching funds, if any, in the following manner:
- (1) The Commission first will add --
 - (a) the sum of an opposing candidate's expenditures and obligations, or funds raised and borrowed, whichever is greater, including surplus or unspent funds carried forward from a previous primary, general, or special election to the current election; and
 - (b) the sum of the independent expenditures made expressly advocating the defeat of the certified candidate or the election of the same opposing candidate.
 - (2) The Commission then will subtract --
 - (a) the sum of the independent expenditures made expressly advocating the defeat of the same opposing candidate; and
 - (b) the sum of the independent expenditures made expressly advocating the election of the certified candidate; and
 - (c) the sum of any matching funds already provided to the certified candidate; and
 - (d) the sum of any seed money raised in computing matching fund eligibility for a primary, general, or special election, as applicable; or any surplus or unspent funds carried forward from a previous primary election to the subsequent general election in computing matching fund eligibility for a general election.
 - (3) If the final computed amount is greater than the applicable distribution amount for the certified candidate, then the Commission will immediately authorize the distribution of a Matching Fund allocation to the certified candidate equal to that excess.

- (4) The Commission will make computations promptly upon the filing of campaign finance reports and independent expenditure reports.
 - (5) To prevent the abuse of the Matching Fund Provision, the Commission will not base any calculation on independent expenditures that, although containing words of express advocacy, also contain other words or phrases that have no other reasonable meaning than to contradict the express advocacy. For example, expenses related to a communication saying, "Vote for John Doe -- he's incompetent and inexperienced," will not be considered a communication in support of John Doe in the calculation of matching funds.
 - (6) With respect to independent expenditures, the Commission will exercise its discretion to look beyond the literal meaning of the language of the communication and will consider all relevant evidence to determine whether a reasonable person would view the communication naming or depicting a candidate as in support of or in opposition to the candidate, or is neutral.
- C. Matching Fund Cap. Matching funds are limited to 2 times the amount originally distributed to a certified candidate from the Fund for that election. Certified candidates are not entitled to cumulative matching funds for multiple opponents.
- D. Other. Any distribution based on reports and accurate calculations at the time of distribution is final, notwithstanding information contained in subsequent reports.
- E. Coordination with Other State Agencies. The Commission will coordinate with the Bureau of Accounts and Control and other relevant State agencies to implement a mechanism for the distribution of Fund revenues to certified candidates that is expeditious, ensures public accountability, and safeguards the integrity of the Fund.
- F. Disbursements With No Campaign Value. If a traditionally financed candidate has received monetary contributions which are disbursed in ways that do not in any way influence the nomination or election of the candidate, those receipts will not be considered by the Commission in calculating matching funds for his or her opponent. Such disbursements may include repaying a loan received by the candidate, refunding a contribution to a contributor, or transferring

funds to a party or political committee for purposes that do not relate to the candidate's race.

4. Advance Purchases of Goods and Services for the General Election.

- A. If a preponderance of consulting services, or the design, printing, or distribution of campaign literature and advertising, purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the portion to be used for the general election must be counted as a general election expenditure in calculating the amount of matching funds for the certified Maine Clean Election Act candidate.
- B. If a certified candidate in a general election believes that an opponent, or person or committee making an independent expenditure, has failed to disclose an advance purchase for the general election, the certified candidate shall submit a written request for an investigation to the Commission no later than August 30 of the election year, or within 30 days of the opponent's filing of the 42-day post-primary report, whichever is later. The request must identify the pre-primary election expenditure that is believed to be for the general election and must state a specific basis for believing that the goods and services purchased were not used for the primary election.
- C. The Commission will request a response from the opposing candidate or other respondent, and will make a determination whether the expenditure should be counted toward the certified candidate's eligibility for matching funds.

SECTION 6. Limitations on Campaign Expenses. A certified candidate must:

1. limit the candidate's campaign expenditures and obligations to the applicable Clean Election Act Fund distribution amounts plus any authorized Matching Fund allocations;
2. not accept any contributions unless specifically authorized in writing to do so by the Commission in accordance with the Act [§ 1125(2) and § 1125(13)];
3. use revenues distributed from the Fund only for campaign-related purposes according to guidelines outlining permissible campaign-related expenditures published by the Commission, and not for personal or any other use;

4. not use revenues distributed from the Fund to purchase goods for resale;

5. not spend more than the following amounts of Fund revenues on post-election parties, thank you notes, or advertising to thank supporters or voters:

A. \$250 for a candidate for the State House of Representatives;

B. \$750 for a candidate for the State Senate; and

C. \$2,500 by a gubernatorial candidate

The candidate may also use his or her personal funds for these purposes:

6. not use revenues distributed from the Fund for the payment of fines, forfeitures, or civil penalties, or for the defense of any enforcement action of the Commission; and

7. not use revenues distributed from the Fund to pay for expenses in connection with a recount of an election.

[THIS SECTION MOVED FROM SECTION 4, WITH SUBSECTIONS 4 - 7 ADDED]

SECTION 7. RECORD KEEPING AND REPORTING

1. Record Keeping by Participating and Certified Candidates. Participating and certified candidates must comply with applicable record keeping requirements set forth in Title 21-A, chapter 13, subchapter II [§1016].
 - A. Fiduciary Responsibility for Funds. All funds provided to a certified candidate or to a candidate's authorized political committee must be segregated from, and may not be commingled with, any other funds. Matching fund advance revenues for which no spending authorization has been issued must be deposited in a federally insured financial institution until the candidate receives authorization to spend those funds.
 - B. Meal Expenses. A candidate or treasurer must obtain and keep a record for each meal expenditure of more than \$50. The record must include itemized bills for the meals, the names of all participants in the meals, the relationship of each participant to the campaign, and the specific, campaign-related purpose of each meal.

- C. **Vehicle Travel Expenses.** A candidate or treasurer must obtain and keep a record of vehicle travel expenses for which reimbursements are made from campaign funds. Reimbursement may be based using either the standard mileage rate or actual expenses. The candidate must use one method exclusively during an election campaign.
- (1) **Standard Mileage Rate.** The standard mileage rate is a set rate per mile that a candidate may use to compute reimbursable vehicle travel expenses. Reimbursement should be calculated using the standard mileage rate currently prescribed for employees of the State of Maine. For each trip for which reimbursement is made, a record should be maintained showing the dates of travel, the number of miles traveled, the origination, destination and purpose of the travel, and the total amount claimed for reimbursement.
 - (2) **Actual Expenses.** Actual expenses include the pro rata, campaign-related share of vehicle depreciation or lease payments, maintenance and repairs, gasoline (including gasoline taxes), oil, insurance, and vehicle registration fees, etc. For reimbursement using this method, the candidate must maintain detailed records reflecting use of the vehicle for campaign-related purposes. The records must include the dates the vehicle was used for campaign-related purposes, the total mileage the vehicle was used for campaign-related purposes, the total mileage the vehicle was used for all purposes during the period for which reimbursement is made, and the percentage of total vehicle usage that the vehicle was used for campaign-related purposes.
- D. Salary and Compensation. Certified candidates who pay more than \$500 as salary or compensation to any individual who is not a full-time, year-round vendor of professional services (e.g., web designer or pollster) must maintain a detailed written record including the number of hours worked each month and a detailed description of the services provided during each month. The Commission shall develop a worksheet for this purpose, but candidates may use other formats. The Commission may request these records as part of pre- or post-election reviews of expenditures to confirm that the Fund revenues distributed to a certified candidate are spent on services related solely to that candidate's election campaign.

2. Reporting by Participating and Certified Candidates.

- A. General. Participating and certified candidates must comply with applicable reporting requirements set forth in Title 21-A, chapter 13, subchapter II [§ 1017].
- B. Return of Matching Fund Advances and Unspent Fund Revenues. Matching Fund advance revenues that have not been authorized for spending and unspent Fund revenues shall be returned to the Fund as follows:
- (1) Unauthorized Matching Funds. Candidates must return all Matching Fund advance revenues for which no spending authorization was issued prior to an election to the Commission by check or money order payable to the Fund within 2 weeks following the date of the election.
 - (2) Unspent Fund Revenues for Unsuccessful Primary Election Candidates. Upon the filing of the 42-day post-primary election report for a primary election in which a certified candidate was defeated, that candidate must return all unspent Fund revenues to the Commission by check or money order payable to the Fund.
 - (3) Unspent Fund Revenues for All General and Special Election Candidates. Upon the filing of the 42-day post-election report for a general or special election, all candidates must return all unspent Fund revenues to the Commission by check or money order payable to the Fund.
- C. Liquidation of Property and Equipment. Property and equipment that is not exclusive to use in a campaign (e.g., computers and associated equipment, etc.) that has been purchased with Maine Clean Election Act funds loses its campaign-related purpose following the election. Such property and equipment must be liquidated at its fair market value and the proceeds thereof reimbursed to the Maine Clean Election Fund as unspent fund revenues in accordance with the schedule in paragraph B above.
- (1) The liquidation of campaign property and equipment may be done by sale to another person or purchase by the candidate.
 - (2) Liquidation must be at the fair market value of the property or equipment at the time of disposition. Fair market value is determined by what is fair, economic, just, equitable, and

reasonable under normal market conditions based upon the value of items of similar description, age, and condition as determined by acceptable evidence of value.

SECTION 8. RECOUNTS, VACANCIES, WRITE-IN CANDIDATES, SPECIAL ELECTIONS

1. Recounts. After a primary election, if there is a recount governed by Title 21- A, chapter 9, subchapter III, article III [§ 737-A], and either the leading candidate or the 2nd-place candidate is a certified candidate, the following provisions will apply:
 - A. If the margin between the leading candidate and the 2nd-place candidate is less than 1% of the total number of votes cast in that race and a recount is presumed necessary, the certified candidate immediately must halt the expenditure of revenues disbursed to the candidate from the Fund upon receiving notice of the recount until the recount is complete.
 - B. If the recount results in a changed winner, the certified candidate who originally received the disbursement must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.
 - C. If the margin between the leading candidate and 2nd-place candidate is 1% or greater of the total number of votes cast in that race and the 2nd-place candidate requests a recount, the leading candidate, if a certified candidate, is not required to freeze expenditures of the disbursement.
 - D. If the recount results in a changed winner, the certified candidate must return any unspent distributions from the Fund to the Commission, payable to the Fund. If the new winner is a certified candidate, the Commission will distribute the applicable disbursement amount to the candidate.
2. Death, Withdrawal, or Disqualification of a Candidate During Campaign.
 - A. Death, Withdrawal, or Disqualification Before Primary Election. If a candidate dies, withdraws, or is disqualified before the primary election, the Commission will establish a qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.

- B. Death, Withdrawal, or Disqualification After the Primary Election and before 5:00 p.m. on the 2nd Monday in July Preceding the General Election. If a candidate dies, withdraws, or is disqualified before 5:00 p.m. on the 2nd Monday in July preceding the general election, any replacement candidate will have a qualifying period from the time of the candidate's nomination until ~~of~~ 30 days after ~~from~~ the 4th Monday in July as a participating candidate to collect qualifying contributions and request certification.
- C. Death, Withdrawal, or Disqualification after 5:00 p.m. on the 2nd Monday in July Preceding the General Election. If a candidate dies, withdraws, or is disqualified after 5:00 p.m. on the 2nd Monday in July preceding the general election, the Commission will establish a qualifying period during which any replacement candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.
- D. Replacement Candidates Who Are Participating Candidates. Any replacement candidate choosing to become a participating candidate must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any replacement candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

3. Write-In Candidates.

- A. Write-in candidates are subject to the registration requirements of Title 21-A M.R.S.A. Section 1013-A and the campaign finance reporting requirements of Section 1017, as soon as they qualify as a nominee pursuant to 21-A M.R.S.A. Section 723, file a declaration of write-on candidacy with the Secretary of State pursuant to 21-A M.R.S.A. Section 722-A, or receive contributions or make expenditures with the intent of qualifying as a candidate in the primary or general election, whichever first occurs.
- B. Write-in candidates may not participate in the Maine Clean Election Act, except as provided in paragraph C.
- C. A write-in candidate in a primary election who becomes a party's nominee may participate in the Maine Clean Election Act for the general election. The Commission will establish a qualifying period during which the candidate may become a participating candidate.

collect qualifying contributions, and apply to become a certified candidate.

D. A candidate who is participating in the Maine Clean Election Act and who has no opponent listed on the ballot will be presumed to be in an uncontested election even if there are one or more individuals running as write-in candidates. The participating candidate may rebut this presumption by presenting evidence to the Commission that the write-in opponent(s) received or spent substantial campaign funds. Based upon the evidence presented, the Commission may make a determination that it is a "contested election" and make a distribution of public funds to the participating candidate on that basis.

34. Special Election When One or More Candidates Desire to Become Certified Candidates. If a vacancy occurs in the office of Governor, Senator, or Representative because an incumbent dies, resigns, becomes disqualified, or changes residence to another electoral division, and a special election will be held to fill the vacant office, the following provisions apply:

A. The Commission, in consultation with the Secretary of State, will establish a qualifying period during which any candidate in a special election may decide to become a participating candidate, collect qualifying contributions, and apply to become a certified candidate; and

B. Any candidate in a special election must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

45. Return of Unspent Fund Revenues. Any time a certified candidate withdraws, is disqualified, or dies before an election, the candidate or the candidate's agent must return to the Commission all unspent amounts distributed to the candidate by check or money order payable to the fund, within 2 weeks of the termination of the candidacy.

STATUTORY AUTHORITY: 21-A M.R.S.A. chapter 14.

EFFECTIVE DATE:

November 1, 1998

NON-SUBSTANTIVE CHANGES:

December 3, 1998 - minor spelling and formatting.

2002 MAJOR SUBSTANTIVE RULE-MAKING

AMENDMENTS PROVISIONALLY ADOPTED:

February 13, 2002

LEGISLATIVE REVIEW OF PROVISIONAL MAJOR SUBSTANTIVE RULE:

April 8, 2002

COMMISSION ADOPTION OF FINAL RULE:

May 1, 2002

EFFECTIVE DATE:

July 31, 2002

For Commission use only

data entry _____

proofread _____

follow-up _____

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333-0135
 Office: 242 State Street, Augusta, Maine
 Tel: (207) 287-4179 Fax: (207) 287-6775
 Web site: www.maine.gov/ethics
 Electronic Filing: www.mainecampaignfinance.com

2006 CAMPAIGN FINANCE REPORT –
MAINE CLEAN ELECTION ACT CANDIDATES

(Please Complete ALL Entries)

Name of CANDIDATE _____

Mailing address _____

City, zip code _____

Telephone number _____ Fax _____ E-mail _____
(Optional)

Name of Candidate's Committee, if any _____

Election Year _____ Office Sought _____ District Number _____

CHECK IF CHANGED
 SINCE PREVIOUS
 REPORT

Name of TREASURER _____

Mailing address _____

City, zip code _____

Telephone number _____ Fax _____ E-mail _____

CHECK IF CHANGED
 SINCE PREVIOUS
 REPORT

Type of Report (check applicable):

Due date:

Period included:

- | | | |
|------------------------------|-------------------|---|
| () January 2006 Semiannual* | January 17, 2006 | Beginning of campaign – December 31, 2005 |
| () 6-Day Pre-Primary | June 7, 2006 | Last Report (if any) – June 1, 2006 |
| () 42-Day Post-Primary | July 25, 2006 | June 2, 2006 – July 18, 2006 |
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*This report is required only for county and legislative candidates who have raised or spent more than \$500 during 2005, or gubernatorial candidates who have raised or spent more than \$1,000 during 2005.

() Check if campaign had no activity for the reporting period (no other pages are required)

() Amendment to: _____

() Other (specify): _____

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE.

 Treasurer's Signature Date Candidate's Signature Date

<p>PRIMARY ELECTION CASH BALANCE STATEMENT</p> <p>TO BE COMPLETED ONLY WITH 42-DAY POST-PRIMARY ELECTION REPORT</p> <p>(LEGISLATIVE CANDIDATES ONLY)</p>

Name of CANDIDATE _____

In order to determine the eligibility of Maine Clean Election Act candidates to receive matching funds for the general election, the Ethics Commission must take into account primary election funds carried forward to the general election period.

Therefore, every legislative candidate (including MCEA candidates) must compute and disclose their campaign's account balance as of the close of the primary election. Please complete the following statement:

MY ACCOUNT BALANCE AS OF JUNE 13, 2006, CARRIED FORWARD FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION, WAS: \$ _____.

In addition, every legislative candidate must disclose below any good or service purchased before June 13, 2006 for which the preponderance (more than 50%) of the good or service will be used for the general election.

Date of Purchase	Good or Service	Original Price	Value of Good or Service to be used for General Election

CANDIDATE'S FULL NAME

**SCHEDULE A
MAINE CLEAN ELECTION ACT RECEIPTS**

Initial Distribution for election (if received <u>this</u> reporting period)	Date	Amount

Box 1

Matching funds payment received <u>this</u> reporting period	Date	Amount

Box 2

Matching funds payment received in <u>prior</u> reporting period	Amount

Box 3

Amounts of matching funds authorized to spend in <u>prior</u> reporting period	Amount

Box 4
(Box 5 from Sch. A, last report)

	Authorizations to spend matching funds <u>this</u> reporting period		
	Date	Amount	
	Total this period		

Box 5

Total amount of matching funds authorized to spend in this election	Amount

Box 6
(Boxes 4 + 5)

Matching funds received in this election not authorized to spend	Amount

Box 7
(Box 2 or 3) - Box 6

**SCHEDULE D
UNPAID DEBTS AND OBLIGATIONS**

List any debts or obligations that are unpaid at the close of this period (even if reported on earlier statements).

If the campaign has not received a bill for goods or services or a credit card bill, contact the vendor or credit card company to obtain the amount owed. If it is impossible to verify the amount of the debt, enter an estimated amount and indicate that the amount is estimated in the purpose section.

Report actual payments to vendors on Schedule B.

DATE OBLIGATION INCURRED	CREDITOR'S NAME AND ADDRESS	PURPOSE	AMOUNT
1. Total unpaid debts and obligations (this page only) <i>(totals from all Schedule D pages must be listed on Schedule F, line 10)</i>			

CANDIDATE'S FULL NAME

**SCHEDULE E
CAMPAIGN EQUIPMENT/PROPERTY INVENTORY**

List in Part I equipment or property that the campaign owned at any time during the reporting period and that may be converted to the candidate's personal use, such as a computer, telephone/fax, photocopier, etc. Exclude signs, stationery, campaign literature and other goods which have value only to the campaign.

List in Part II all equipment or property from Part I that was sold, transferred, or donated during this reporting period.

PART I - ONGOING INVENTORY OF CAMPAIGN PROPERTY

DATE RECEIVED OR PURCHASED	DESCRIPTION OF EQUIPMENT OR PROPERTY	PURCHASE PRICE OR ESTIMATED VALUE WHEN ACQUIRED	FAIR MARKET VALUE (at close of this reporting period)
TOTAL ESTIMATED VALUE OF CAMPAIGN PROPERTY AT CLOSE OF THIS PERIOD			

PART II - SALES OR TRANSFERS OF CAMPAIGN PROPERTY THIS PERIOD

DATE SOLD, DONATED OR TRANSFERRED	NAME AND ADDRESS OF PURCHASER, DONEE, OR TRANSFEREE	DESCRIPTION OF PROPERTY	Column 1 SALE PRICE OR FAIR MARKET VALUE (if sold this period)	Column 2 FAIR MARKET VALUE OF DONATED OR TRANSFERRED GOODS
TOTAL ACTIVITY FROM EQUIPMENT/PROPERTY DISPOSALS THIS PERIOD			Enter on Schedule F, line 4	

CANDIDATE'S FULL NAME

DATE SUBMITTED

**SCHEDULE F
SUMMARY SECTION (MAINE CLEAN ELECTION ACT CANDIDATES)**

This page is required for all candidates except those checking the no-activity box on cover page of report. Cash balance on line 7 **MUST** match cash balance in bank account.

CASH BALANCE

- | | |
|--|---|
| 1. CASH BALANCE FROM LAST REPORT | |
| 2. INITIAL DISTRIBUTION, IF RECEIVED THIS PERIOD (Schedule A, Box 1) | + |
| 3. MATCHING FUNDS RECEIVED THIS PERIOD (Schedule A, Box 2) | + |
| 4. SALE OF CAMPAIGN PROPERTY THIS PERIOD (Schedule E, Part II, Col. 2) | + |
| 5. OTHER CASH RECEIPTS THIS PERIOD (interest, etc.) | + |
| 6. <i>MINUS</i> TOTAL EXPENDITURES THIS PERIOD (total of all Schedule B pages) | - |
| 7. CASH BALANCE AT CLOSE OF PERIOD (lines 1 + 2 + 3 + 4 + 5 - 6) | = |
| 8. CASH NOT AUTHORIZED TO SPEND (Schedule A, Box 7) | |
| 9. CASH AUTHORIZED TO SPEND (line 7 - 8) | |

OTHER ACTIVITY THIS REPORTING PERIOD

- | | |
|--|--|
| 10. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages) | |
|--|--|

For Commission use only

data entry _____

proofread _____

follow-up _____

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
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 Web site: www.maine.gov/ethics
 Electronic Filing: www.maine.campaignfinance.com

2006 CAMPAIGN FINANCE REPORT - PRIVATELY FINANCED CANDIDATES

(Please Complete ALL Entries)

Name of CANDIDATE _____

Mailing address _____

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

City, zip code _____

Telephone number _____ Fax _____ E-mail _____
 (Optional)

Name of Candidate's Committee, if any _____

Election Year _____ Office Sought _____ District Number _____

Name of TREASURER _____

Mailing address _____

CHECK IF CHANGED
SINCE PREVIOUS
REPORT

City, zip code _____

Telephone number _____ Fax _____ E-mail _____

Type of Report (check applicable):

Due date:

Period included:

- | | | |
|------------------------------|-------------------|---|
| () January 2006 Semiannual* | January 17, 2006 | Beginning of campaign – December 31, 2005 |
| () 6-Day Pre-Primary | June 7, 2006 | Last Report (if any) – June 1, 2006 |
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() Check if campaign had no activity for the reporting period (no other pages are required)

() Amendment to: _____

() Other (specify): _____

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT AND COMPLETE.

 Treasurer's Signature Date Candidate's Signature Date

<p>PRIMARY ELECTION CASH BALANCE STATEMENT</p> <p>TO BE COMPLETED ONLY WITH 42-DAY POST-PRIMARY ELECTION REPORT</p> <p>(LEGISLATIVE CANDIDATES ONLY)</p>

Name of CANDIDATE _____

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Therefore, every legislative candidate (including MCEA candidates) must compute and disclose their campaign's account balance as of the close of the primary election. Please complete the following statement:

MY ACCOUNT BALANCE AS OF JUNE 13, 2006, CARRIED FORWARD FROM THE PRIMARY ELECTION TO THE GENERAL ELECTION, WAS: \$ _____.

In addition, every legislative candidate must disclose below any good or service purchased before June 13, 2006 for which the preponderance (more than 50%) of the good or service will be used for the general election.

Date of Purchase	Good or Service	Original Price	Value of Good or Service to be used for General Election

CANDIDATE'S FULL NAME

**SCHEDULE A
CASH CONTRIBUTIONS**

Itemize all cash contributions from contributors that have given you cash and in-kind contributions totaling more than \$50 per election. For cash contributions of \$50 or less, please report the "total of contributions \$50 or less" on a line on this page.

Please report the occupation and employer for every contributor who is an individual and who contributed more than \$50 per election. If you have requested employment information from the contributor and the contributor has not provided it, please indicate "information requested" for the occupation and employer.

Total contributions from the same source may NOT exceed \$250 in any election for county and legislative office and \$500 in any election for Governor. The primary and general elections are considered separate elections.

On the first report of the election cycle only, include the total of any surplus funds from a previous election that you are transferring to your 2006 campaign.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP (if contributor has given more than \$50 this election)	OCCUPATION	EMPLOYER	TYPE (use key code)	AMOUNT
		(individuals who have given more than \$50 this election)			
Total cash contributions (this page only) (totals from all Schedule A pages must be listed on Schedule F, line 1)					

Key Codes:

1 = Candidate and Candidate's Spouse

2 = Other Individuals

3 = Commercial Sources (corporations, etc.)

4 = Political Action Committees

5 = Political Party Committees

6 = Other Candidates and Candidate Committees

CANDIDATE'S FULL NAME

**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

In-kind contributions are goods and services (including facilities) that you received at no charge or at a charge that is less than the fair market value of the goods and services.

Itemize all in-kind contributions from contributors that have given you cash and in-kind contributions totaling more than \$50 per election. If you received goods and services at a discount, report the amount of the discount as the fair market value. For contributions of \$50 or less, please report the "total of contributions \$50 or less" on a line on this page.

Include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter.

Please report the occupation and employer for every contributor who is an individual and who contributed more than \$50 per election. If you have requested employment information from the contributor and the contributor has not provided it, please indicate "information requested" for the occupation and employer.

Total contributions from the same source may NOT exceed \$250 in any election for county and legislative office and \$500 in any election for Governor. The primary and general elections are considered separate elections.

Goods that you have retained from an earlier election such as signs are not contributions to your current campaign.

DATE RECEIVED	CONTRIBUTOR (name, address, and zip code, if contributor has given more than \$50 this election)	OCCUPATION AND EMPLOYER (Individuals who have given more than \$50 per election)	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimated fair market value)

Total in-kind contributions (this page only)
(totals from all Schedule A-1 pages must be listed on Schedule F, line 9)

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Key Codes:

- 1 = Candidate and Candidate's Spouse
- 2 = Other Individuals
- 3 = Commercial Sources (corporations, etc.)

- 4 = Political Action Committees
- 5 = Political Party Committees
- 6 = Other Candidates and Candidate Committees