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Guidebook for Political Action Committees & Ballot Question Committees 2012

Maine Commission on Governmental Ethics and Election Practices

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Guidebook for Political Action Committees & Ballot Question Committees

PAC & BQC Guidebook



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS AND
ELECTION PRACTICES

Publication Date: 2/2012. The information in this Guide reflects the current Election Law and the most recent statutory changes that will become effective on September 27, 2011.

The Commission has taken care to make this Guide concise and accurate. However, you should not substitute the information presented here for the applicable statutory provisions of the Election Law. The statutory requirements are controlling in the event of any omission in this publication.



Commission on Governmental Ethics and Election Practices

The Commission is pleased to publish this edition of the Guidebook for Political Action Committees and Ballot Question Committees . As always, the Commission staff is available to assist you with any questions regarding campaign finance laws and reporting requirements for candidates, political action committees and ballot question committees. The Commission may be reached by calling (207) 287-4179.

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Chapter 1

Getting Started

What is a Political Action Committee?

Organizations and groups that raise or spend money to influence elections or initiate a referendum in Maine may be required to register as a political action committee (PAC) and file campaign finance reports with the Ethics Commission.

Maine Election Law defines a political action committee as:

- Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign.

Example: A corporation establishes a fund to which employees contribute. The fund is then used to pay for political activities to support or oppose candidates or issues.

- Any organization, including any corporation or association, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose, including for the collection of signatures for a direct initiative or referendum.

Example: A voluntary association whose stated purpose is to elect more women to the Legislature.

- Any organization that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office. *(If involved in a citizen initiative or people's veto or other referendum, the organization may have to register as ballot question committee.)*

Example: An association of outdoor sporting enthusiasts which is organized for the purpose of promoting hunting and fishing in Maine spends money to support a group of candidates who are proponents of the interests and goals of the association.



What is a Ballot Question Committee?

Most organizations that raise or spend money to influence a ballot question in Maine form a political action committee (PAC) for that purpose, and file regular PAC reports with the Commission. Some advocacy, charitable, or other organizations do not qualify as PACs under the Election Law, but they are interested in raising and spending money to influence a ballot question.

If a group does not meet the definition of a political action committee in 21-A M.R.S.A. § 1052(5), but receives or spends more than \$5,000 to influence the outcome of a ballot question, then the group would be considered a ballot question committee and would have to register and file campaign finance reports with the Commission.

If the group's only financial activity is to make a contribution to a PAC that will disclose the contribution in a campaign finance report, the group does not have to register with the Commission. However, if the contribution comes from funds raised for the specific purpose of contributing to a PAC involved in a ballot question rather than from your general treasury, it could trigger the registration requirement.

Under Election Law, a person (*i.e.*, an individual, corporation, partnership, association or other organization) not defined as a political action committee but who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign. Contributions and expenditures to influence the nomination or election of a candidate do not count toward the \$5,000 threshold. Within 7 days of receiving contributions or making expenditures that exceed \$5,000, the person is required to register with the Commission as a ballot question committee.

Other important terms

Influence. To “influence” means to promote, support, oppose or defeat.

Initiate. To “initiate” includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

Campaign. For purposes of the PAC and BQC definition, the term “campaign” means any course of activities to influence the nomination or election of a candidate or to initiate or influence any of the following ballot measures:

- A people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
- A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section;
- An amendment to the Constitution of Maine under Article X, Section 4;



- A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
- The ratification of the issue of bonds by the State or any agency thereof; and
- Any county or municipal referendum.

Contribution. The term “contribution” includes:

- A gift, subscription, loan, advance or deposit of money or anything of value made to a PAC or BQC, except that a loan of money by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- A contract, promise or agreement, expressed or implied whether or not legally enforceable, to make a contribution to a PAC or BQC;
- Any funds received by a PAC or BQC that are to be transferred to any candidate, committee, campaign or organization for the purpose of initiating or influencing a campaign; or
- The payment, by any person or organization, of compensation for the personal services of other persons provided to a PAC or BQC that is used by the PAC or BQC to initiate or influence a campaign.

The Secretary of State, the State Treasurer, the Attorney General, and the State Auditor, and any candidates for these offices may not form a PAC or be involved in decision-making for or soliciting contributions to any PAC. These officials are elected by a vote of the Legislature, not the public.

In determining whether an organization is a ballot question committee, the term “contribution” also includes money or anything of value received for the purpose of initiating a referendum or people’s veto or influencing a ballot question election. This includes:

- funds that the contributor specified were given in connection with a ballot question;
- funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a ballot question;
- funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a ballot question when viewed in the context of the contribution and the recipient’s activities regarding a ballot question; and
- funds or transfers from the general treasury of an organization filing a ballot question report.

Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used to support an organization’s general activities, rather than activities relating to a ballot question, are not counted toward the \$5,000 threshold and do not need to be reported.



Expenditure. The term “expenditure” includes:

- A purchase, payment, distribution, loan, advance, deposit or gift of money, or anything of value, made for the purpose of initiating or influencing a campaign;
- A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make an expenditure to influence or initiate a campaign; and
- The transfer of funds by a political action committee to another candidate or political committee (e.g., another PAC, a candidate committee, a party committee, or a ballot question committee).

If you have any questions about whether your organization qualifies as a PAC or BQC under these definitions, please contact the Commission.

Who may contribute to a PAC or BQC?

In general, Maine Election Law does not place any restrictions on who may contribute to a PAC or BQC.

The only exception is that, during a legislative session, lobbyists and their clients may not contribute to a PAC in which certain governmental officials are involved.

Are there any limits on contributions to a PAC or BQC?

No. Maine law does not place any limit on the amount of a contribution to a PAC or BQC.

Registering with the Ethics Commission

Any organization that meets the criteria for being a PAC or BQC must register with the Commission no later than 7 calendar days after it qualifies as a PAC or BQC, i.e., after it has raised or spent \$1,500 or \$5,000 which threshold amount is applicable. It is important for an organization to keep track of its contributions and expenditures from the beginning of its campaign-related activities in order to know if and when it has to register with the Commission. An organization does not have to wait until it reaches the monetary threshold to register with the Commission. Many organizations register before they raise or spend any money because they know they will be politically active and will eventually qualify as a PAC or BQC. The organization must also file an initial campaign finance report at the same time it registers with the Commission (see below).

There is no fee to register a PAC or BQC.

A PAC or BQC that does not register with the Commission or that registers late may be subject to a \$250 fine and may be assessed additional penalties for a late-filed initial campaign finance report.

Registration Form. The organization must provide the name and contact information for the PAC’s treasurer and its principal officers, and all primary fundraisers and decision-makers, including any Legislators and candidates who have a significant role in fundraising or decision-making. The organization must also state its purpose: whether it supports or opposes candidates, referenda, an initiated petition, or other campaigns. If the PAC or BQC is involved in a specific ballot question, the ballot question should be identified by its popular name or the bill title as well as the question number, if it has one. If the purpose of the PAC is more general, the statement should be as descriptive as possible, e.g., opposes statewide or local efforts to develop liquefied natural gas facilities in Maine. It is important that the committee fully complete the form, as missing



or incomplete information can delay the registration process. The registration form can be found on the Ethics Commission's website www.maine.gov/ethics > Forms and Guides.

If at any time the information provided on the registration form changes, including contact information, treasurer information, statements of support and opposition, or principal officers, the committee must file an amended registration within 10 calendar days of the change.

Initial Campaign Finance Report. The initial campaign finance report is due at the time of registration. PACs must report all contributions and expenditures made since January 1st of the reporting year. BQCs must report all contributions and expenditures made since the beginning of the campaign.

All expenditures made in carrying out the committee's political activities and general operations must be tracked so that a committee can ensure that it registers in a timely fashion. Expenditures that are most commonly overlooked by committees include:

- Expenditures associated with the collection of signatures - this also applies to expenditures by the opponents of a citizen initiative or people's veto petition drive
- Paid staff time or paid consultants and pollsters or other personal services costs
- Travel reimbursements
- Fundraising expenses
- Website set-up, design, and maintenance costs.

**Town and Cities
Subject to Campaign Finance Law**

Auburn	Saco
Augusta	Sanford
Bangor	Scarborough
Biddeford	South Portland
Brunswick	Waterville
Gorham	Westbrook
Lewiston	Windham
Portland	

Standish and Union has chosen to be subject to campaign finance laws for municipal referenda but not for candidate elections.

If you are unclear as to whether something constitutes an expenditure, contact the Ethics Commission staff.

Biennial Re-Registration. All political action committees registered with the Ethics Commission must file an updated registration form every election (even-numbered) year, between January 1 and March 1. This biennial registration applies even if there has been no change to the information provided on the previous registration.

Appointing a Treasurer

Before registering with the Commission, every PAC and BQC is required to appoint a treasurer. The treasurer has specific duties under election law including the keeping of detailed records of all campaign contributions and expenditures, and completing and filing campaign finance reports on time. The treasurer, along with the PAC/BQC, is liable for violations of campaign finance laws and subject to any resulting penalty



imposed by the Commission. The treasurer's name and contact information must be listed on the registration form. If the PAC or BQC changes treasurers, the Commission must be notified within 10 days of the change. The treasurer does not have to reside or be a registered voter in Maine.

Record Retention for PACs and BQCs. The treasurer is required to retain all receipts, including cancelled checks, of expenditures made in support or in opposition to a campaign, political committee, political action committee, referendum or initiated petition in this State for a minimum of 4 years. Records that are required to be retained are:

- A detailed account of all expenditures made to support or oppose a candidate, committee or ballot question:
 - The name and address of each candidate or committee
 - The office sought by the candidate and district the candidate seeks to represent
 - The title or question number of each ballot question, initiated petition or referendum
 - The date of expenditure
- Vendor invoices or receipts in excess of \$50 or more, which must identify the particular good or service purchased
- A record of all contributions from contributors who gave in excess of \$50 for PACs and in excess of \$100 for BQCs. When any donor's contributions exceed the \$50 or \$100 the record must include the aggregate amount of all contributions from that donor:
 - The name and mailing address of that contributor
 - The amount given
 - The date of the contribution

The committee is not required to submit bills or invoices to the Commission unless they are requested. For example, the Commission may request bills or invoices to verify the accuracy of reports.

Municipal Elections

The campaign finance laws regulating PACs and BQCs also apply to towns and cities with a population of 15,000 or more. (Two towns with populations under 15,000 - Standish and Union- have adopted the campaign finance laws as they pertain to municipal referenda but not candidate elections.) When a PAC or BQC is formed solely to support or oppose municipal candidates, referenda, or ballot questions in these towns and cities, it is subject to the same requirements and responsibilities as PACs and BQCs involved in statewide elections. These municipal PACs and BQCs will register with, and report to, the municipality in which it seeks to influence elections, not the Ethics Commission.



If a PAC that is registered with the Ethics Commission becomes involved a municipal election, it must file copies of its state campaign finance reports with the clerk of the municipality.

County-wide Referendums

When a PAC or BQC is formed solely to support or oppose county candidates, referenda, or ballot questions in the county, it is subject to the same requirements and responsibilities as PACs and BQCs involved in state-wide elections. These PACs and BQCs register and report with the Commission.

Terminating a PAC or BQC

Whenever a PAC or BQC determines that it will no longer accept any contributions or make any expenditures, the committee can file a final campaign finance report and a termination statement. The final report must cover the period from the close of the last reporting period to the date of termination. Prior to terminating, the PAC must dispose of any surplus and report how the funds were disposed of in the final report. The committee can do this by making contributions to other PACs, BQCs, party committees, candidates, non-profits or make a general treasury transfer, if appropriate. The committee must also report any loans, debts, or other obligations that are unpaid and outstanding at the time of the committee's termination in the manner prescribed by the Commission. Until the termination statement is filed, the committee must continue to file campaign finance reports.

Out-of-State PACs

A political action committee that was organized outside of the state may be subject to the same requirements as a PAC organized under Maine law if it becomes involved elections in Maine. If an out-of-state PAC meets the qualifications for being a political action committee under Maine law, it is subject to the same registration and reporting requirements as PACs organized in-state. Please refer to the definitions in the first section of this chapter.

An out-of-state PAC is not required to register and file reports with the Commission or municipality if the PAC's only financial activity in the state is making contributions to other PACs, party committees, ballot question committees, or candidates registered with the Commission or municipality and the PAC has not raised or accepted any contributions to influence an election or campaign in Maine.

An out-of-state PAC that has received contributions or made expenditures for the purpose of influencing an election in Maine, including the collection of signatures for a direct initiative or referendum, will have to register as a PAC in Maine. The PAC must register and file campaign finance reports in accordance with the Commission's procedures.



Constitutional Officers and State Auditor

Constitutional officers (the Secretary of State, the State Treasurer and the Attorney General), the State Auditor or any individual running for these offices may not form a political action committee or be involved in decision making for or solicit contributions to a political action committee.

Constitutional officers are also prohibited from directly or indirectly soliciting or accepting contributions from lobbyists or their clients on behalf of a PAC or a ballot question committee while the Legislature is in session (see Chapter 4).

Federal Law Prohibits Contributions from Foreign Nationals

- Foreign nationals are prohibited from making any contributions or expenditures in connection with any election in the U.S.
- "Green card" holders are not considered foreign nationals and may contribute.
- A U.S. subsidiary of a foreign corporation or a U.S. corporation that is owned by foreign nationals may be subject to the prohibition. For more, go to www.fec.gov.

LEGAL REFERENCES

Definitions	21-A MRSA §§ 1052 and 1056-B(2-A)
Registration	21-A MRSA § 1053
Treasurers	21-A MRSA § 1054
Record Retention	21-A MRSA § 1057
Municipal Elections	21-A MRSA § 1058
PAC Termination	21-A MRSA § 1061
Out-of-State PACs	21-A MRSA §§ 1051 and 1058
Ballot Question Committees	21-A MRSA § 1056-B
Constitutional Officers and State Auditor	21-A MRSA § 1063



Chapter 2

Filing Campaign Finance Reports

How and When to File Reports

Electronic Filing. All political action committees and ballot question committees registered with the Commission are required to file their campaign finance reports electronically, except for the initial report. Usernames and passwords will be assigned to the committee treasurer once the registration and initial campaign finance report are processed. Committees are encouraged to change their password upon the initial login and anytime there is a change in treasurer. All the reports that a PAC or BQC is required to file for the year will be listed on the committee's homepage on the e-filing system.

A committee may submit a request for a waiver from the requirement to file reports electronically within the first 30 days of registering, if it lacks the access to the technology or the technological ability to file the reports electronically. The Commission will grant all reasonable requests. However, it is strongly recommended that PACs and BQCs file reports through the e-filing system. If a waiver is granted, the Commission must still receive paper reports by 11:59 p.m. on the filing deadline. Reports may be faxed to the Commission (207-287-6775) as long as the signed original report is received within five days. A report that is sent by certified or registered mail and that is postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Filing Schedules. Once registered with the Commission, a PAC or BQC will need to file periodic campaign finance reports until the committee is terminated, even if the committee had no financial or campaign-related activity during the reporting period. The number of reports that a PAC or BQC has to file and the filing schedule varies depending on the committee's involvement in campaign-related activities. In even-numbered years when a general election is held, all PACs and BQCs will have to file at least seven campaign finance reports.

At the beginning of each year, the Commission will publish the filing schedule for that year on its website. Committees should review this schedule to determine what reports it will need to file and ensure that reports are filed on time. The reports that the committee is required to file will also appear on the home page in the electronic filing system.

All regularly-scheduled campaign finance reports must be received by the Commission by 11:59 p.m. on the



day of the deadline. If a reporting deadline falls on a weekend or holiday, the report is due on the next business day. (See the sections on 24-Hour Reports and Independent Expenditure Reports for information on filing those reports.) PACs and BQCs that do not submit a required report by the filing deadline will be assessed a civil penalty, unless they request and the Commission grants a waiver of the penalty.

QUARTERLY REPORT FILING SCHEDULE FOR POLITICAL ACTION COMMITTEES & BALLOT QUESTION COMMITTEES

Type of Report	Deadline	Reporting Period
April Quarterly	April 10	January 1 — March 31
July Quarterly	July 15	April 1 — June 30
October Quarterly	October 5	July 1 — September 30
January Quarterly	January 15 (of the following year)	October 1 — December 31

Campaign Finance Reports

Quarterly Reports. All PACs and BQCs must file these reports every year, even if the PAC or BQC had no financial activity for the reporting period. The filing schedule for these reports is the same from year to year.

Pre- and Post-Election Reports. In years in which a primary election and general election are held (even-numbered years), there are 4 pre- and post-election reports in addition to quarterly reports that all PACs and BQCs must file, even if they are not actively participating in the election. These reports are due 11 days before an election and 42 days after an election.

PRE- AND POST-ELECTION CAMPAIGN FINANCE REPORTS: DEADLINES AND REPORTING PERIODS

Report Name	Deadline	Reporting Period
11-Day Pre-Election Report	The 11 th day before the date of the election	End of the last reporting period through the 14 th day before the election
42-Day Post-Election Report	The 42 nd day after the date of the election	End of the last reporting period through the 35 th day after the election
24 Hour Report	Within 24 hours, including weekends and holidays, of making an expenditure of \$500 or more	Begins on the 13 th day before the election through the day before the election



In odd-numbered years when there is no primary or general election, there may be a special candidate election (to fill a vacancy) or a ballot question election. Committees that make expenditures to influence a ballot question election or special candidate election will have to file pre-and post-election reports for that election.

24-Hour Reports. Beginning the 13th day before an election and ending the day before an election, committees must report any single expenditure of \$500 or more within 24 hours of making the expenditure, including weekends and holidays. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligation is made, even if the payment has not been made. These reports may be filed online, through the Commission's electronic filing system. The purpose of these reports is to provide disclosure of campaign activity in the period before an election when there are no other reports due.

Any expenditures reported in a 24-hour report must also be reported on the next regularly scheduled campaign finance report.

As with pre- and post-election reports, 24-hour reporting periods will be listed on the Commission's annual filing schedule.

Amendments

If the committee unintentionally makes an omission in a campaign finance report or includes incomplete or inaccurate information, it must promptly file an amendment to that report. All amended reports are reviewed by the Commission staff.

Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. The Commission staff may contact the committee if it believes that a report is incomplete or requires additional information. If the Commission determines that a report does not substantially conform to the disclosure requirements, the Commission may consider the report late, even if it was filed on time.

How to file 24-Hour Reports:

File reports electronically.

Paper filers can file in person or by fax.

When to file 24-Hour Reports:

Within 24 hours of the expenditure being made.

A report must be filed on a weekend or holiday if that is when it is due – you cannot wait until the next business day.

Even paper filers must file a report by fax if it is due on a weekend or holiday.

Expenditures made on the day before an election must be reported on election day.



Reminders by the Commission

PACs and BQCs are responsible for knowing their reporting obligations and the due dates for reports. The Commission staff publishes the filing schedule on its website at the beginning of the year and the required reports and their due dates are listed on the committee's e-filing homepage. It is the custom of the Commission staff to send out reminders before each filing. However, PACs and BQCs are ultimately responsible for filing reports on time.

Penalties for Late Filed Campaign Finance Reports and Failure to File Reports

Penalties are assessed for late campaign finance reports using a formula established by statute. The formula takes into account the number of days the report was filed late, any previous violations by the committee during the election cycle, and the amount of financial activity that took place during the reporting period. The table below illustrates how late filing penalties are calculated. The election cycle is a two year period beginning on January 1 of each even-numbered year.

Example: The treasurer files the report two (2) calendar days late. The committee has not had any previous late filings in the past two years. The party committee reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is calculated as follows:

\$2,500	Greater of the amount of total contributions received or expenditures made during the filing period.
X .01	Percent prescribed for first violation
\$25.00	One percent of total contributions
X 2	Number of calendar days late
\$50.00	Total penalty Commission may assess

The Commission may waive a penalty in whole or in part if there are mitigating circumstances such as a valid emergency, an error by Commission or municipal staff, or any other circumstances that the Commission determines warrant mitigation of a penalty. Other factors the Commission may consider are the level or experience of the committee officers and treasurer or harm suffered by the public from the late disclosure. A penalty of less than \$10 is automatically waived. However, the late-filed report will still be considered a violation and will count toward the calculation of the penalty rate in the future. If a committee files a late no-activity report the Commission may impose a penalty of no more than \$100 for each report filed late.



The maximum penalty that can be assessed against a PAC or BQC for a late-filed quarterly, pre- or post-election report or a late-filed 24-hour report is \$10,000 or, if the amount of the financial activity reported late exceeds \$50,000, the penalty is one-fifth of the amount reported late.

The maximum penalty for the failure to file a quarterly, pre- or post-election report or a 24-hour report is \$10,000.

A person who fails to file a required report within 30 days of the filing deadline may also be charged with Class E crime.

Notification of Late Filing and Failure to File

If a committee fails to file a report by the deadline or files a report late, the Commission will send a notice by certified mail to the treasurer within 3 business days of the deadline informing the treasurer that the report was not received or was filed late and, in the case of the late filed report, the preliminary amount of the penalty. When a treasurer receives notice that a penalty will be assessed for filing a report late, the committee has 10 days from receipt of the Commission's certified letter to request a waiver of the penalty due to mitigating circumstances or other reasons. This can be done in person by the committee's treasurer, principal officer, or representative, or by submitting a statement of the mitigating circumstances for consideration by the Commission. Although not required, the committee's treasurer or representative is encouraged to attend the Commission meeting. After the Commission meets, notice of its final determination and the penalty imposed, if any, will be sent to the principal officer and the treasurer of the committee.

If the committee does not request a determination by the Commission within the 10 day period, the staff will send a final notice of the penalty to the principal officer and the treasurer.

The penalty must be paid in full within 30 days unless payment arrangements are made. If the penalty is not paid within 30 days, the Commission may refer the matter to the Attorney General's office for collection in a Civil action.

Appealing a Penalty

A committee may appeal the Commission's final determination by filing a petition for review with the Superior Court within 30 days of receiving the notice of the final determination. The Maine Administrative Procedures Act (5 M.R.S.A § 11001 *et seq.*) and Rule 80C of the Maine Rules of Civil Procedure govern the process for an appeal to the Superior Court.



LEGAL REFERENCES

Electronic Filing	21-A MRSA § 1059(5)
Filing Dates	21-A MRSA § 1059
24-Hour Reporting Requirement	21-A MRSA § 1059(2)(E)
Penalties	21-A MRSA § 1062-A
Penalty Waivers	21-A MRSA § 1062-A(2)
Appealing Penalties	21-A MRSA §§ 1062-A(5)



Chapter 3

Schedule-by-Schedule Guide to Campaign Finance Reports

Each campaign finance report covers a specific period of time. You need to report all contributions received and all expenditures made by the committee during the specified report period. There are seven different sections or schedules in a campaign finance report. This overview will give you a summary of the information required to be included in the reports. The e-filing system also has instructions for entering transactions into each schedule.

Schedule A: Cash Contributions Received by the Committee

- For contributions of more than \$50 to PACs and more than \$100 to BQCs, the committee must report the date and amount of the contribution, the name and mailing address of the contributor, and the occupation and employer, if the contributor is an individual. If you are unable to obtain the occupation and employer information from the contributor, please enter “information requested” on the campaign finance report. The Commission staff may ask the committee to make additional efforts to obtain the occupation and employer information if the information is lacking for a significant number of contributors.
- Cash contributions of \$50 or less for PACs or \$100 or less for BQCs do not have to be itemized and can be reported as a lump sum.
- Non-major purpose PACs, as defined in 21-A M.R.S.A. § 1052(5)(A)(5), (*i.e.*, organizations that have a major purpose other than influencing elections but which spend more than \$5,000 in a calendar year on candidate elections) and BQCs only have to report those contributions made to the organization for the purpose of influencing the nomination or election of a candidate or ballot question and all general treasury funds transferred to the PAC or BQC or used to support the PAC or BQC.

Who may contribute to a PAC?

Maine Election Law does not place any restrictions on who may contribute to a PAC.

The only exception is that, during a legislative session, lobbyists and their clients may not contribute to a PAC in which certain governmental officials are involved.

Are there any limits on contributions to a PAC?

No. Maine law does not place any limit on the amount of a contribution to a PAC.



Schedule A-1: In-Kind Contributions

- All in-kind contributions of goods or services received by the committee that have a fair market value of more than \$50 for PACs and more than \$100 for BQCs must include the contributor's name and address, occupation and employer for individuals, a description of the goods or services, the fair market value, and date of the contribution. If another organization, such as another PAC or BQC, party committee, or other type of organization or business, makes an in-kind contribution in the form of paid staff time, the recipient PAC or BQC should include a description of those staff activities and the number of hours of staff time that were contributed. Contributed staff time and coordinated expenditures should not be lumped together as a single contribution for the reporting period, but should be itemized as separate contributions.

Schedule B: Expenditures to Support or Oppose

- All cash contributions that the committee makes to candidates, party committees, political action committees, and ballot question committees must be reported on Schedule B.
- All in-kind contributions – goods, services, materials and supplies - given by your committee to candidates, party committees, other political action committees or ballot question committees. Include all in-kind contributions, regardless of amount in this schedule.
- Expenditures made for the purpose of influencing a candidate election (e.g., campaign ads, phone banks, etc.), including expenditures to support or oppose candidates whether the communication contains express advocacy or is an “issue ad,” must be reported on Schedule B. If a single expenditure is made on a communication that pertains to multiple candidates, the committee must itemize the amount spent per candidate. Similarly, all expenditures made by a ballot question committee must be reported on this schedule. The name of the candidate, committee or ballot question supported or opposed must also be reported for every expenditure as well as whether the expenditure was made to support or oppose the candidate or ballot question.

All expenditures made by the committee to get a proposed initiative or referendum on the ballot, including expenditures to collect signatures, must be reported on Schedule B. If a committee makes expenditures to oppose a proposed initiative or referendum from getting on the ballot, those expenditure must be reported on Schedule B also.

- The Election Law requires that the date, amount, payee, and the purpose of the expenditure be reported. The “payee” refers to the vendor that provided the goods and services. Please do not report “cash,” or “disbursement” as the payee. If you reimburse someone for an expenditure



report the name of the vendor as the payee and in the remark section, report it as being reimbursed. To report the purpose of the expenditure, you must select an expenditure type for each expenditure on Schedule B and Schedule B-1. BQCs and non-major purpose PACs only have to report those expenditures made for the purpose of initiating or influencing a ballot question or the nomination or election of a candidate. If a remark is required, please give as much information describing the expenditure as possible. For instance, if you report professional services, list the specific type of service performed in the remarks section.

Schedule B-1: Operating Expenditures (PACs only, BQCs do not have a Schedule B-1)

- All operational expenses and other cash expenditures not made on behalf of a candidate, committee, or campaign, no matter how small must be reported on Schedule B-1.
- This would include expenditures on committee staff salaries, office rent, postage (for non-candidate communications), website design and maintenance, etc.

EXPENDITURE TYPES			
CON	Contribution to candidate, party or committee	POL	Polling and survey research
CNS	Campaign consultants	POS	Postage for U.S. Mail and mail box fees
EQP	Equipment (office machines, furniture, cell phones)	PRO	Professional services
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs
LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.)
PHO	Phone banks, automated telephone calls		
Only these expenditure types require a remark: CNS, OTH, PRO and SAL.			

Schedule C: Loans & Loan Repayments

- The committee must report all loans from commercial or noncommercial sources, loan repayments and forgiven amounts.

Schedule D: Total Unpaid Obligations (other than loans)

All unpaid debts and obligations for goods and services that have not been invoiced and all existing unpaid bills. Debts must be disclosed in each report until payment is made to the vendor. If an order has been placed for goods and services but the exact amount is not known, the committee should



obtain an estimate from the vendor for reporting purposes.

Schedule E: There is no schedule E for PACs and BQCs.

Schedule F: Summary

- Summary of all schedules for the reporting period and the calendar year. The e-filing system will fill this schedule with the totals from the previous schedules.

Expenditures Made by a Consultant

If a PAC or BQC hires a consultant or consulting firm to assist the committee, and the consultant makes expenditures on behalf of the committee, those expenditures must be reported as though the committee made them directly. The report must include the name of the third party vendor or payee to whom the expenditure was made, the date of the expenditure, and the purpose and the amount of the expenditure. It is not sufficient to report only the total retainer or fee paid to the consultant, if the consultant used the fee to pay others for campaign-related goods or services. If the committee reported a lump sum payment to a consultant in a previously filed report, the committee may need to amend that report to deduct from that amount any expenditures made by the consultant, so that the expenditures are not double-reported. The Commission also recommends that the committee note in the remarks section for the expenditure that the payment was made by the consultant (see the example below).

The committee's treasurer should also obtain receipts or paid invoices from the consultant for the goods and services purchased from subvendors by the consultant on behalf of the committee.

REPORTING PAYMENTS MADE TO CONSULTANTS AND BY CONSULTANTS				
SCHEDULE B (or B-1) – EXPENDITURES				
DATE EXPENDITURE MADE	PAYEE	EXPENDITURE TYPE	REMARK	AMOUNT
5/10/2009	ELECTION ASSOCIATES	CNS	CONSULTING SERVICES FOR PALMCARD MESSAGE; TOTAL PD TO ELECTION ASSOC. - \$1,150	\$150
5/28/2009	GRAPHICS CENTER	PRT	PAID BY ELECTION ASSOC. ON BEHALF OF COMMITTEE	\$1,000

Reporting Interest Earned on Bank Accounts

In the Commission's e-filing system, each campaign finance report has a separate screen to enter any interest earned on the committee's bank accounts.



Investigations and Audits

The Commission is authorized to undertake investigations or audits of the financial reporting of political action committees or ballot question committees. The Commission may initiate an investigation on its own or in response to a request submitted to the Commission. Any person may make a request for an investigation. The request must be in writing and must set forth facts in sufficient detail to specify the alleged violation. The statements made in the request must be based on the personal knowledge of the person making the request. If not, the identity of the source of the information must be explained in the request. The Commission will review the request to determine whether the allegations set forth sufficient grounds for believing that a violation may have occurred.

LEGAL REFERENCES

Contributions Received by the Committee	21-A MRSA § 1060(6)
Expenditures to Support or Oppose	21-A MRSA § 1060(4)
Operating Expenditures	21-A MRSA § 1060(7)
Expenditure Made by a Consultant	Rules, Chapter 1, §7(1)
Audits and Investigations	21-A MRSA § 1003; Rules, Chapter 1, §4(2)



Chapter 4

Supporting Your Candidates and Causes

Making Contributions

There are no restrictions in the Election Law on the types of entities to which a political action committee or ballot question committee may contribute. PACs can contribute to privately financed candidates. PACs and BQCs can contribute to other political action committees, ballot question committees, and state and local party committees as well as other organizations and groups. These contributions can be in cash or in-kind. There is, however, a limit on the amount a PAC or anyone else may contribute to political candidates. Pursuant to 21-A M.R.S.A. § 1015(2), the contribution limits per election (the primary and general elections are separate elections) are as follows:

Contributions to:	Limits per election
Privately Financed Candidates for the Legislature	\$350
Privately Financed Candidates for Governor	\$1,500
County Offices and Municipal Candidates	\$750
Party Committees	Unlimited
Political Action Committees	Unlimited
Ballot Question Committees	Unlimited

Candidates who are not enrolled in a political party are only eligible to receive contributions for the general election.

Contributions From Lobbyists During Legislative Session

Maine law does place some restrictions on campaign contributions by lobbyists, lobbyist associates and their employers (clients) during legislative session. They are prohibited from making contributions to the Governor, a Legislator, a constitutional officer (the Secretary of State, the State Treasurer and the Attorney General), and their staff and agents (“covered officials”). They are also prohibited from making campaign contributions during the legislative session to any PAC or BQC closely associated with covered officials, such as a



legislative caucus PAC or leadership PAC. If a PAC or BQC, that is associated with a covered official, receives a contribution from a lobbyist, lobbyist associate, or their employers (clients), during the session it must be returned. It does not matter when the check is dated, if it is received at any time when the Legislature is in session it must be returned.

A PAC that is closely associated with a covered official may accept contributions from lobbyists and their clients during legislative session if the contribution relates to a special election and the funds contributed are used for that special election. If the funds are not used for the special election, they must be returned to the contributors.

In-Kind Contributions

A political action committee can provide goods and services (anything of value) to a candidate but if the candidate has not reimbursed your committee for the full value of the goods and services, the committee has made an in-kind contribution to the candidate. The amount of the contribution is the value of the goods and services minus any payment the candidate has made to your committee. In-kind contributions are subject to the contribution limits for privately financed candidates. MCEA candidates cannot accept any cash or in-kind contributions from PACs.

Independent Expenditures

What Is an Independent Expenditure?

- An independent expenditure is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and
- An independent expenditure is presumed in races involving a candidate who is certified as a Maine Clean Election candidate to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day.

Independent expenditures must be independent of the candidate. Any expenditure made by a third party, such as a PAC, in cooperation, consultation, or concert with a candidate is considered to be a contribution to

What is an expenditure?

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

When is an expenditure made?

The earliest of the following events:

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



the candidate and not an independent expenditure. For example, if a PAC runs an ad supporting a candidate in the newspaper and obtained the candidate's photograph from the candidate for the ad, that is enough to make the entire cost of the ad a contribution to the candidate. An independent expenditure must be done completely without cooperation from, consultation, or acting in concert with the candidate or the candidate's committee or agents.

If an expenditure is made to promote or support the nomination or election of a candidate, or oppose or defeat the candidate's opponent(s), and the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the expenditure is considered to be a contribution from the spender to the candidate. As used within this subsection, the term "candidate" includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee.

"Clearly identified" means:

- The name of the candidate appears or
- A photograph or drawing of the candidate appears or
- The candidate's identity is apparent by unambiguous reference.

What does "cooperation, consultation or in concert with mean?"

"Cooperation, consultation or in concert with" includes, but is not limited to:

- Discussion between the candidate and the creator, producer or distributor of a communication, or the person paying for that communication, regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, and
- Participation by the candidate in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication.

An expenditure is presumed to be made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, when,

- The expenditure is made in cooperation, consultation or in concert with any person who, during the twelve months preceding the expenditure has been the candidate's treasurer or an officer of the candidate's authorized committee, has had a paid or unpaid position managing the candidate's campaign, or has received any campaign-related compensation or reimbursement from the candidate;
- When the candidate has directly shared the candidate's campaign plans, activities, or needs with the spender for the purpose of facilitating a payment by the spender on a communication to voters to promote or support the candidate; or
- The communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate.



If a candidate requests that a party committee, political action committee, or other potential spender not make any expenditures to promote or support that candidate, or oppose or defeat the candidate's opponent, the request does not constitute cooperation or coordination.

An expenditure will not be presumed to have been made in cooperation, consultation or concert with, or request or suggestion of a candidate, solely because:

- The spender has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publically available source;
- The person making the expenditure has previously provided advise to the candidate on suggested communication strategies, budgets, issues of public policy, or other campaign plans or activities;
- The person makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion, cooperation or consultation with the candidate prior to the expenditure relating to the details of the expenditure;
- The spender has also made a contribution to the candidate, or has discussed with the candidate his or her campaign plans or activities as part of the candidate's solicitation for a donation;
- The expenditure is made by a for-profit or non-profit organization for invitations, announcements, food and beverages and similar costs associated with an event to which the candidate has been invited by the organization to make an appearance before the organization's members, employees, shareholders and families thereof; or
- The expenditure is made by an individual who spends \$100 or less for costs associated with a sign that is lettered or printed individually by hand and that reproduces or replicates a candidate's campaign-related design or graphic.

Communications That Contain Express Advocacy. "Expressly advocate" means that a communication 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 2012," "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 candidates, "reject the incumbent," or communications of campaign slogans or individual words, which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc. which say "Pick Berry!"



Rebutting the Presumption. The presumption that a communication is an independent expenditure may be rebutted. The person making the expenditure must submit a signed written statement to the Commission, within 48 hours of making the expenditure, stating the reasons why the communication was not intended to influence the election of a candidate. The Commission must determine by a preponderance of the evidence whether the communication was made to influence an election.

Prior to disseminating a communication, a committee may submit a rebuttal statement to the Commission and request an early determination. The request must include the complete communication and be specific as to when and to whom the communication will be disseminated. The Commission staff is available to answer any questions regarding independent expenditures.

While there is no penalty for failing to file a rebuttal statement within 48 hours, if the Commission determines that the communication was not covered by the presumption and an independent expenditure report was not filed on time, the person making the expenditure could be assessed a penalty for the late-filed report.

Exclusions.

An independent expenditure does not include:

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

When To File an Independent Expenditure Report. When a PAC is required to file an independent expenditure report depends on two things:

- The aggregate amount spent on the candidate and
- When the expenditure was made.

If \$100 but not more than \$250 has been spent, then quarterly reports must be filed by 5:00 p.m. according to the following schedule:



- January 15th and be complete as of December 31st;
- April 10th and be complete as of March 31st
- July 15th and be complete as of June 30th; and
- October 5th and be complete as of September 30th.

In addition, independent expenditures aggregating in excess of \$250 per candidate made during the sixty days before an election must be reported within two calendar days of those expenditures. Independent expenditures aggregating in excess of \$100 per candidate made after the 14th day before an election must be reported within one calendar day of those expenditures.

It is important to note that it is the aggregate amount spent per candidate for the election that determines if and when an independent expenditure has to be reported, not simply the amount of an individual expenditure.

For example, 13 days prior to the election, if you spend \$150 on one newspaper ad to support two candidates, Candidate A and Candidate B, you do not have to report an independent expenditure because the aggregate amount per candidate is only \$75. Then, you buy another ad for Candidate A that costs \$200. You would have to file an independent expenditure report for the aggregate amount you have spent on Candidate A within one calendar day of buying the \$200 ad, and you would have to include the \$75 you spent on the first ad, for a total of \$275 spent supporting Candidate A.

Filing Independent Expenditure Reports. Independent expenditure reports cannot be filed electronically; they must be filed on paper. If the deadline for an independent expenditure report falls on a weekend or holiday, you must file the report on that day. You cannot wait until the next business day. You may fax the report by the deadline, provided that the Commission receives the original report within five days thereafter. Please note that the independent expenditure report must contain a notarized statement that the expenditure was made independently of the candidate.

If an expenditure is made in the last seven days before an election, there is additional information that the committee must report:

- The date on which the order for the communication was placed with the vendor;
- The approximate date on which the vendor began providing design or other services;
- The date on which the committee first learned of the total amount of the cost of the communication; and
- A statement explaining why the expenditure could not be reported by the eighth day before the election.



Any expenditure reported in an independent expenditure report must also be reported in the committee's regular campaign finance report for the reporting period in which the expenditure was made.

Municipal Elections

If you are involved in a municipal election in a town with a population of 15,000 or more (and Standish and Union) you will need to file the Independent Expenditure report with the town.

Late Independent Expenditure Reports. If a committee files an independent expenditure report late or fails to file a report, the maximum penalty that may be imposed is \$5,000 except if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late. Failure to file an independent expenditure report after proper notice has been given by the Commission is a Class E crime.

For more information regarding independent expenditures, call the Commission staff.

Selling Services to a Candidate

If your group or organization sells a service, space or anything of value to a candidate, you should provide them with an invoice. For instance, if your group provides multiple candidates with "Vote" bumper stickers that they will pay for, break down the cost per candidate and provide the candidates with an invoice.

Membership Communications

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate shall report any expenses related to such communications aggregating in excess of \$50 in any one candidate's election race, notwithstanding the fact that such communications are not expenditures under section 1012, subsection 3, paragraph A. Reports required by this section must be filed with the Commission on forms prescribed and prepared by the Commission and according to a reporting schedule that the Commission shall establish by rule.

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:

- Pay membership dues at least annually, of a specific amount predetermined by the membership organization; or
- Have some other significant financial attachment to the membership organization, such as a significant investment or ownership stake in the organization; or
- 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 organizations 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.

LEGAL REFERENCES

Independent Expenditures	21-A MRSA § 1019-B; Rules, Chapter 1, § 10
Contributions Limits	21-A MRSA § 1015(2)
Contributions During the Legislative Session	1 MRSA § 1015; Rules, Chapter 1, § 12
Membership Communications	21-A MRSA § 1019-A; Rules, Chapter 1, § 13



Chapter 5

Signs and Other Communications

Campaign Communications

Political action committees will often use campaign ads to support or oppose candidates. Anytime a committee makes an expenditure for a communication that expressly advocates for the election or defeat of a candidate, the communication must clearly and conspicuously state the name and address of the committee that paid for or financed the communication. This requirement also applies to any communication that names or depicts a clearly identified candidate and that is distributed to voters during the 21 days before the primary election or the 35 days before the general election, even if it does not contain express advocacy. This includes communications made through broadcasting stations, cable television systems, newspapers, magazines, outdoor advertising facilities (including yard signs), websites, direct mails, and other types of political advertising or through flyers, handbills, bumper stickers, and other non-periodical publications. If the communication has been authorized by the candidate, the disclosure statement on the communication must also state that the candidate authorized the communication.

If the communication has not been authorized by a candidate, a candidate's authorized political committee or the candidate's agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the expenditure for the communication. If the communication is in written form, it must contain at the bottom in 12-point bold print, Times New Roman Font the words "**NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE.**" If a committee has made an independent expenditure for a communication regarding a candidate, it must have this disclosure statement.

Paid for by the Smallville People's PAC, 2 Twin Street, Augusta, ME
NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE

Maine Election Law does not require that a disclosure statement be included on written communications made to support or oppose a ballot question. In the interest of transparency and disclosure, the Commission encourages committees to consider including a disclosure statement similar to the one required for candidate



elections on written materials intended to influence the outcome of a ballot question, but it is not required by any Maine statute or rule. However, the Federal Communications Commission does require that a sponsorship identification be included on political advertisements on broadcast stations or cable television systems. For more information on federal sponsorship identification regulations, contact the FCC at the number listed at the end of this guidebook.

Automated Telephone Calls

Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate that are made 21 days before a primary election or 35 days before a general election must clearly state the name of the person who paid for or financed the communication. The disclosure is not required for calls paid for by the candidate using the candidate's voice and that are made in support of the candidate. Telephone calls made for the purposes of researching the views of voters are not required to include the disclosure.

Placement of Political Signs

The Department of Transportation regulates the placement of political posters and signs. Under the provisions of 23 M.R.S.A. § 1913-A and the Department's regulations:

- Political posters and signs may be erected on private property outside the right of way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet.
- Political posters and signs may be erected within the right of way limits of public ways no sooner than six weeks prior to an election and must be removed no later than one week following the date of the election.

Prohibited practices

- Political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features.
- No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an **imitation of or resembles** an official traffic-control device, such as a stop sign.

Most "violations" are the result of the efforts of ardent campaign workers who do not know the law. It is therefore suggested that this information be passed on to them.

Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.



- Political signs may be displayed in view to all public ways **except** for the Interstate highway system. Under Federal and State law, **signs may not be placed within the limits of any controlled access highway nor erected within 660 feet of the nearest edge of the Interstate highway system in such a manner that the message may be read from the Interstate highway.** All signs located at Interstate interchanges are in violation and will be removed.

Municipal ordinances advocating stricter control take precedence over state law.

Traffic safety should be of the utmost consideration in placement of political signs. Campaign workers should take great care not to place signs or posters where they could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices. Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission, attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner.

Please help the Department of Transportation to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the State and to prevent any possible embarrassment to candidates. Please direct all questions about the placement of political signs to the Right of Way Maintenance Control division at (207) 624-3611. The division's website is www.maine.gov/mdot/traffic-counts/public-signs.php.htm.

LEGAL REFERENCES

Campaign Communications	21-A MRSA §§ 1055; 1014
Automated Telephone Calls	21-A MRSA § 1014(5)
Enforcement	21-A MRSA § 1014(4)
Placement of Political Signs	23 MRSA § 1913(A)



Chapter 6

Other Terms and Definitions

Association: “Association” means a group of two or more persons, who are not all members of the same immediate family, acting in concert.

Candidate: “Candidate” means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

Date of Contribution: “Date of Contribution” is the date it is received by a candidate, an agent of the candidate, a candidate’s committee, a party committee and its agents, or a political action committee and its agents.

Form of Organization: The form or structure of an organization, including cooperatives, corporations, voluntary associations, partnerships or any other structure by which the committee functions. If a PAC or BQC is not a formal organization such as a non-profit, partnership, corporation or LLC then list the form of the organization as voluntary association. The date of origin is the incorporation or inception date if a voluntary association.

Influence: “Influence” means to promote, support, oppose or defeat.

Initiate: “Initiate” includes the collection of signatures and related activities to qualify a state or local initiative or referendum for the ballot.

Person: “Person” means an individual, committee, firm, partnership, corporation, association or organization.

Political Committee: “Political Committee” means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.

Statement of Support or Opposition. A statement indicating the positions of the committee, support or opposition with respect to a candidate, political committee, or campaign.



Chapter 7

Common Mistakes on Reports and Registration

- Registration must be complete. This includes having a form of organization, support/oppose question completed and complete contact information for treasurer and officers.
- An initial finance report must accompany the initial registration. If the PAC/BQC has not had any financial activity the cover page for the finance report must be completed. Check the boxes indicating that it is the initial report and that it is a non-activity report.
- Too many contributions missing occupation and employer on contributions over \$50 for PACs and \$100 for BQCs: Have an internal system set up to capture the information as the contributions come in.
- Schedule B and B-1 expenditures reported incorrectly: Schedule B is for any expenditure directly related to supporting or opposing a candidate, committee or issue. This includes cash contributions, literature, campaign consultants, staff time directly related to supporting/opposing a candidate or issue, etc. Schedule B-1 is for routine operating expenditures, e.g., rent, fundraising expenses, administrative staff salaries. BQCs do not have a Schedule B-1. All BQC expenditures must be reported on Schedule B.
- When reimbursing someone for an expenditure they are not the “payee.” The payee is the vendor who provided the goods or services and who actually received the payment. In the remark section, you would state that it was a reimbursement. *For example, John Smith purchases stamps for XYZ PAC. The payee on the Schedule B/B-1 would be the Post Office not John Smith. The expenditure code would be POS for postage and in the remark section you would write “reimbursed John Smith for stamps.”*
- Unpaid debt is not automatically carried forward from one reporting period to the next in the e-filing system. If an expenditure is reported as unpaid debt and is paid in part or not at all for the next reporting period, the remaining unpaid debt needs to be re-entered in the next report.
- Independent expenditures and 24-hour reports are different and cannot be used to substitute for each other. Independent expenditures must be reported on paper and filed with the Commission. 24-hour reports are filed online. See the guidebook section on independent expenditures. Both need to be reported on the next regularly scheduled campaign finance report.
- If your PAC or BQC makes an in-kind contribution to another PAC or BQC in respect to a ballot question, you must report the expenditure to the vendor with the proper expenditure code on Schedule B and in the remarks section say the expenditure was an in-kind contribution to the other PAC or BQC. The receiving PAC or BQC will report it as an in-kind contribution and describe what they received from your PAC or BQC that was of value.



- When making an expenditure for a ballot question make sure you use the drop down menu in the e-filing system and select the correct question. If the PAC or BQC is still paying bills from a previous election year, select the correct year and ballot question on the report.
- If making payments on a loan be sure to select Schedule C for loans and click on “amend old transactions.” This way you can add loan repayments or loan forgiveness. If a loan is forgiven, it needs to be reported as a contribution from whoever the money originally came from.
- If your PAC wants to get involved in a ballot question in an off-election year, you need to call the Commission so the appropriate schedules can be set up.
- In even years (election years), all PACs and BQCs file all 8 reports regardless of whether the committee is active in the elections.
- If any changes need to be made to the registration ,you need to email the Commission. Changes in the registration can only be done at the staff level; you cannot make changes to the registration form.
- You need to report expenditures for 24-hour reports, independent expenditures and unpaid debt when any of the following events occurs: the placement of an order for a good or service, the signing of a contract for a good or service, the delivery of a good or service, a promise made to pay for a good or service, or the payment for a good or service.
- A PAC that is closely associated with a candidate (also known as a leadership PAC) cannot use the funds from their PAC to fund their own campaign.



Directory

Commission on Governmental Ethics and Election Practices

Office: 45 Memorial Circle, Augusta
Mail: 135 State House Station
Augusta, Maine 04333-0135
Phone: (207) 287-4179
Fax: (207) 287-6775
Hours: 8:00 a.m. – 5:00 p.m.
Website: www.maine.gov/ethics
Electronic Filing: www.maine campaign finance.com/public/home.asp

Department of the Secretary of State, Division of Elections

Office: 111 Sewall St., Cross Office Building, 4th Floor, Augusta
Mail: 101 State House Station
Augusta, Maine 04333-0101
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Hours: 8:00 a.m. – 5:00 p.m.
Website: www.maine.gov/sos

Department of Transportation, Right of Way Maintenance Control Section

Mail: 16 State House Station
Augusta, Maine 04333-0016
Phone: (207) 624-3611
Hours: 8:00 a.m. – 5:00 p.m.
Website: www.maine.gov/mdot/traffic-counts/public-signs.php

Federal Elections Commission

Mail: 999 East Street, N.W.
Washington, DC 20463
Phone: (800) 424-9530
Phone: (202) 219-3670
Website: www.fec.gov

Federal Communications Commission, Office of Political Programming

Mail: 445 12th Street, S.W.
Washington, DC 20554
Phone: (888) 225-5322
Phone: (202) 219-3670
Website: www.fcc.gov/mb/policy/political
E-Mail: campaignlaw@fcc.gov

Maine Association of Broadcasters

Mail: 69 Sewall Street,
Augusta, Maine 04330
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800-664-6221
Website: www.mab.org
E-Mail: info@mab.org

PAC & BQC GUIDEBOOK



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