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Local Political Party Committee Guidebook 2008

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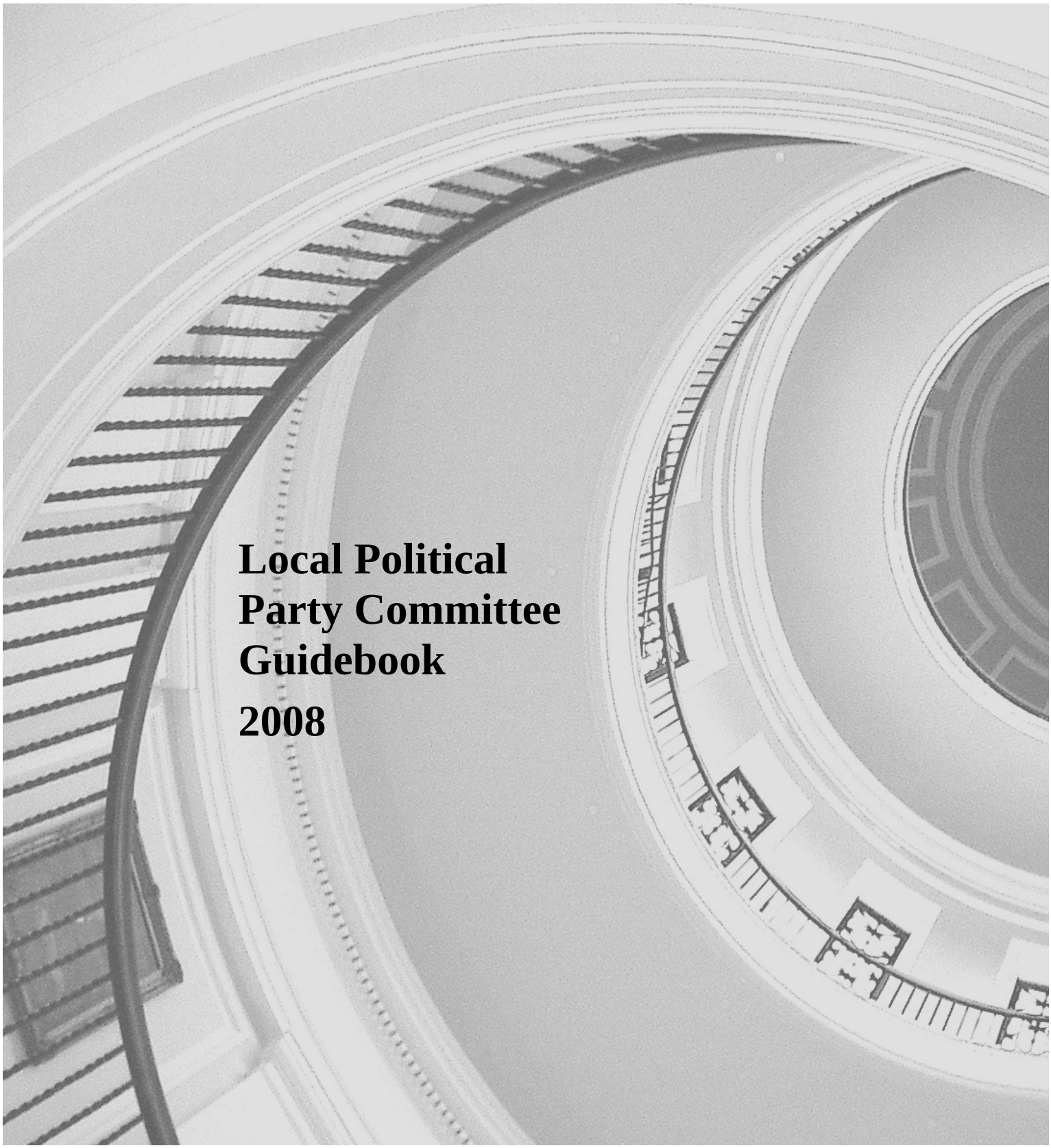

Local Political Party Committee Guidebook

2008

State of Maine

Commission on Governmental Ethics and Election Practices

The Ethics Commission has taken care to make this guidebook 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. This guidebook is current as of March 31, 2008. Its contents are subject to statutory changes enacted by the Legislature and rule changes adopted under the Administrative Procedure Act. The Commission strongly encourages you to refer to the specific areas of Maine law located at www.maine.gov/ethics.

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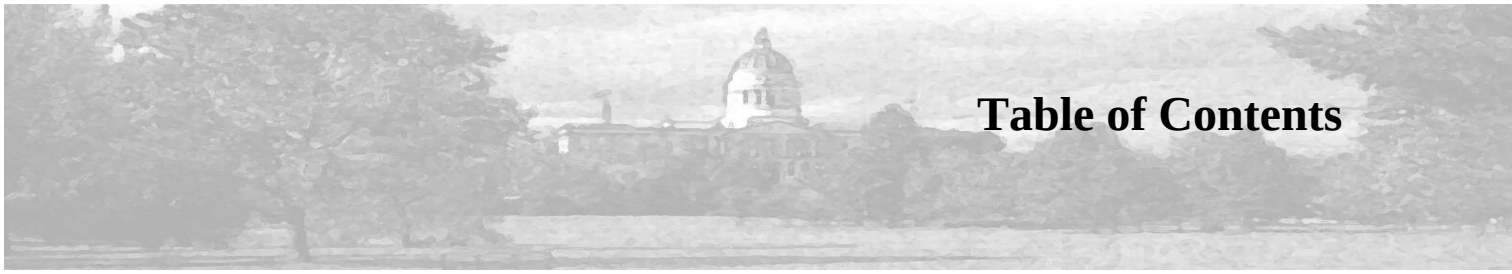
by
Sandy Thompson
Maine Commission on Governmental Ethics and Election Practices



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CHAPTER 1 – Starting a Party Committee

- **Introduction**
- **Reporting to the Ethics Commission**
- **Filing Schedules**
- **Electronic versus Paper Filing**
- **Role of the Party Treasurer**
- **Keeping Required Records and Filing Reports**
- **Municipal Elections**

Introduction

Political parties are a valuable resource to both the electorate and candidates running for office. There are several aspects of the Election Law that are unique to political parties alone. These laws are intended to help your party committee introduce your candidates to the voters and to enhance your GOTV (get out the vote) efforts.

This guidebook was designed with the small local party committee in mind. However, except for the filing schedule, the information applies to state party committees as well. It is intended to be a resource but not a replacement for the law. You are always encouraged to contact the Commission staff with any questions you have at (207) 287-4179. We are here to assist you!

Reporting to the Ethics Commission

Your party committee will need to file reports with the Commission once it accepts contributions, incurs obligations or makes expenditures in the aggregate in excess of $1,500 in any single calendar year. Once the $1,500 threshold is met, the party committee must file a campaign finance report with the Commission on the next filing deadline. The report will have to cover all financial activity since January 1st. After that, the party committee must file reports with the Commission covering through December 31st. The $1,500 threshold starts anew on January 1st so it is possible that a committee that filed during one year does not need to file during the next year because it has not met the $1,500 threshold.

> Party committees that receive or spend less than $1,500 in a calendar year are exempt from the reporting requirements.
>
> Once a party committee has gone over the $1,500 threshold, it must report all contributions and expenditures for that calendar year according to the filing schedule.

Filing Schedules

The local (municipal, district, and county) party committee filing schedule depends on the year. The law is very clear what dates these reports are due. If the date falls on a weekend or holiday, the report is due on the next business day. Specifically, the law states the filing schedule as follows:

2008 ELECTION YEAR REPORTING SCHEDULE		
Type of Report	*Report Due*	*Reporting Period*
11-Day Pre-Primary	May 30	January 1 – May 27
July Semiannual	July 15	May 28 – June 30
11-Day Pre-General	October 24	July 1 – October 21
January Semiannual	January 15	October 22 – December 31

OFF-YEAR REPORTING SCHEDULE		
Type of Report	*Report Due*	*Reporting Period*
July Semiannual	July 15	January 1 – June 30
January Semiannual	January 15	July 1 – December 31

All reports must be received by the Commission by 11:59 p.m. on the deadline. For party committees filing paper reports in person or through the mail, the Ethics Commission must receive the original campaign finance report signed by the treasurer by 5:00 p.m. on the filing deadline. A properly signed report may be faxed to the Commission office at (207)287-6775 by 11:59 p.m. on the deadline, provided that the original report is received by the Commission within five days of the fax. A report that is sent by certified or registered mail and postmarked at least two days before the filing deadline will not be considered late, even if it is received after the filing deadline. Party committees 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.

Electronic versus Paper Filing

Local party committees have the option of filing their reports on paper or on the Commission's electronic filing system. Due to improvements to the electronic filing system, filing your reports online is easy, fast and accurate in addition to an efficient way to manage your committee's activities throughout the year.

However, if you opt to file your reports on paper you can download blank forms from the Commission's website at http://www.maine.gov/ethics/party/partyforms.htm.

Role of the Party Committee Treasurer

The committee must appoint a treasurer who is responsible for maintaining records and filing accurate reports for the committee.

Keeping Required Records and Filing Reports

Party committees are required to retain records of contributions and expenditures for a period that ends ten days after the election following the election to which the records pertain (November 13, 2009, for party committees involved in the 2008 elections). Party committees must keep:

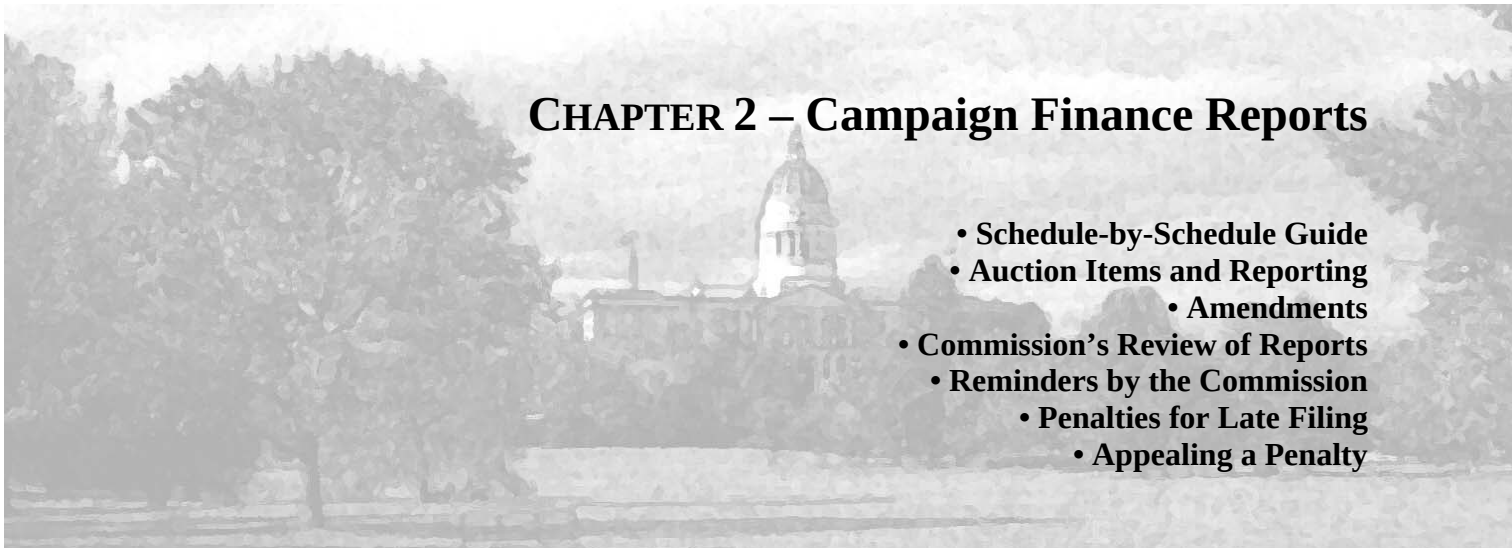
- Records of expenditures made to or on behalf of a candidate (specifying the district and office sought), campaign, or committee, including the identity and address of the candidate, campaign, or committee;
- Vendor invoices or receipts stating the particulars of the goods or services purchased for every expenditure in excess of $50; and
- Records of each contributor who has contributed in excess of $50 in the aggregate, including the name and address of the contributor, and the date and amount of the contribution.

The campaign 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

When a party committee makes contributions or expenditures on behalf of a candidate for municipal office, a copy of the reports filed with the Commission must also be filed with the Clerk in that candidate's municipality.

LEGAL REFERENCES	
Filing Schedules	21-A M.R.S.A. § 1017-A(4)(B)
Reporting Requirement	21-A M.R.S.A. § 1017-A(7)
Record-keeping	21-A M.R.S.A. § 1017-B
Municipal Elections	21-A M.R.S.A. § 1017-A(8)



CHAPTER 2 – Campaign Finance Reports

• Schedule-by-Schedule Guide
• Auction Items and Reporting
• Amendments
• Commission's Review of Reports
• Reminders by the Commission
• Penalties for Late Filing
• Appealing a Penalty

Schedule-by-Schedule Guide to Campaign Finance Reports

Each campaign finance report covers a specific period of time. You need to report all contributions and expenditures – no matter how small – for the party committee during the specified report period. There are seven different schedules to a campaign finance report. This section is intended to assist you in completing those forms.

Schedule A Cash Contributions Received by the Committee

- Names, mailing addresses, occupations, and places of business of all individual contributors who donate more than $200. You must make a good-faith effort to obtain the employment information of any contributor giving more than $200, but if you are unable to obtain it from the contributor, please enter "information requested" on the campaign finance report.
- Aggregate amount of cash contributions from individuals totaling less than $200 do not have to be itemized and can be reported as a lump sum on Line 3 of Schedule A.

Schedule B Contributions/Expenditures from the Committee to or on behalf of Candidates, Committees & Parties

- All cash and in-kind contributions to candidates and committees.
- Goods, services, materials and supplies provided by your party committee to candidates, political committees or other party committees. Include all expenditures, regardless of amount.
- Expenditures made on communications to voters to influence the election of a clearly-identified candidate must be reported on Schedule B (not Schedule B-1). The communication does not have to expressly advocate for or against a candidate in order to be reported on this schedule. If a single expenditure is made on a communication that pertains to multiple candidates, the

committee must itemize the amount spent per candidate. The name of the candidate supported or opposed must also be reported for every expenditure on a communication.

- 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. To report the purpose of the expenditure, you must select an expenditure type for each expenditure on *Schedule B* and *Schedule B-1*. Only three expenditure types require additional remarks. In all other instances, the type itself is sufficient.

Schedule B-1 Operating Expenditures

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

EXPENDITURE TYPES FOR SCHEDULES B AND B-1			
Expenditure Types Requiring NO Remark		**Expenditure Types REQUIRING Remark**	
CON	contribution to candidate, party or committee		
EQP	equipment (office machines, furniture, cell phones)	CNS	campaign consultants
FND	fundraising events	OTH	other
FOD	food for campaign events, volunteers	PRO	professional services
LIT	printing and graphics (flyers, signs, palmcards, t-shirts, etc.)		
MHS	mail house (all services purchased)		
OFF	office rent, utilities, phone and internet services, supplies		
PHO	phone banks, automated telephone calls		
POL	polling and survey research		
POS	postage for U.S. Mail and mail box fees		
PRT	print media ads only (newspapers, magazines, etc.)		
RAD	radio ads, production costs		
SAL	campaign workers' salaries and personnel costs		
TRV	travel (fuel, mileage, lodging, etc.)		
TVN	TV or cable ads, production costs		
WEB	website design, registration, hosting, maintenance, etc.)		

For every expenditure, list the appropriate code.

If a remark is required, list additional information such as type of consulting (media, messaging, campaign, etc.) or professional service provided.

Schedule C In-Kind Contributions and Expenditures

- All in-kind contributions and expenditures received by or given to the committee that have a fair market value of more than $200. Include the contributor's or recipient's name and address, a description of the goods or services, and the fair market value.

Schedule D Loans & Loan Repayments

- List all loans and repayments from commercial or noncommercial sources totaling more than $200.

Schedule E Total Unpaid Obligations (other than loans)

- List all unpaid obligations for goods and services that have not been invoiced and all existing unpaid bills. Debts must be disclosed in each report filed until payment is made to the vendor.

Schedule F Summary

- Summary of all schedules for this reporting period.

Auction Items and Reporting

The Commission frequently receives questions about the reporting of donations and sales for fundraising auctions for local party committees. The Commission understands that it is somewhat difficult to manage the donation of auction items. The Commission does not require you to report donated items, unless the fair market value of the item exceeds $200. In that case, the item is reported on Schedule C as an in-kind contribution to the committee from the donor. In that same spirit, if an individual item sells for more than $200, the purchaser must be listed as a regular contributor to the committee on Schedule A. Individual auction sales of $200 or less can be added together and reported as a lump sum on Line 3 on Schedule A. Remember, please report the full amount paid by the purchaser as the contribution amount on Schedule A.

Amendments

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

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 party committee if it believes that a report is incomplete or requires additional information.

Reminders by the Commission

The Election Law states that it is the obligation of the state party committee to notify all local party committees of their filing obligations. However, Commission staff attempts to reach out to all individual party committees before each filing deadline by mail based on contact information received from the state party committees.

Penalties for Party Committees

A campaign finance report is not considered timely filed unless the original or faxed copy is received by the Commission by 11:59 p.m. on the due date. A report that is sent by certified or registered mail and postmarked at least two days before the deadline will not be considered late, even if it is received after the deadline. The Commission will determine whether a report satisfies the requirements for timely filing. If a report is filed late, the Commission may make an exception if there are mitigating circumstances such as:

1) A valid emergency as determined by the Commission;
2) An error by Commission staff; or
3) Other circumstances that the Commission determines warrant mitigation of a penalty.

Other factors the Commission may consider are the level of experience of the committee officers and treasurer or the harm suffered by the public from the late disclosure.

The penalty for filing a campaign finance report late is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

1) For the first violation, 1%;
2) For the second violation, 2%;
3) For the third and subsequent violations, 5%.

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

Penalties less than $10 are waived. Violations accumulate on reports with filing deadlines in a two-year period that begins on January 1st of each even-numbered year. Waiver of penalty does not nullify the finding of violation.

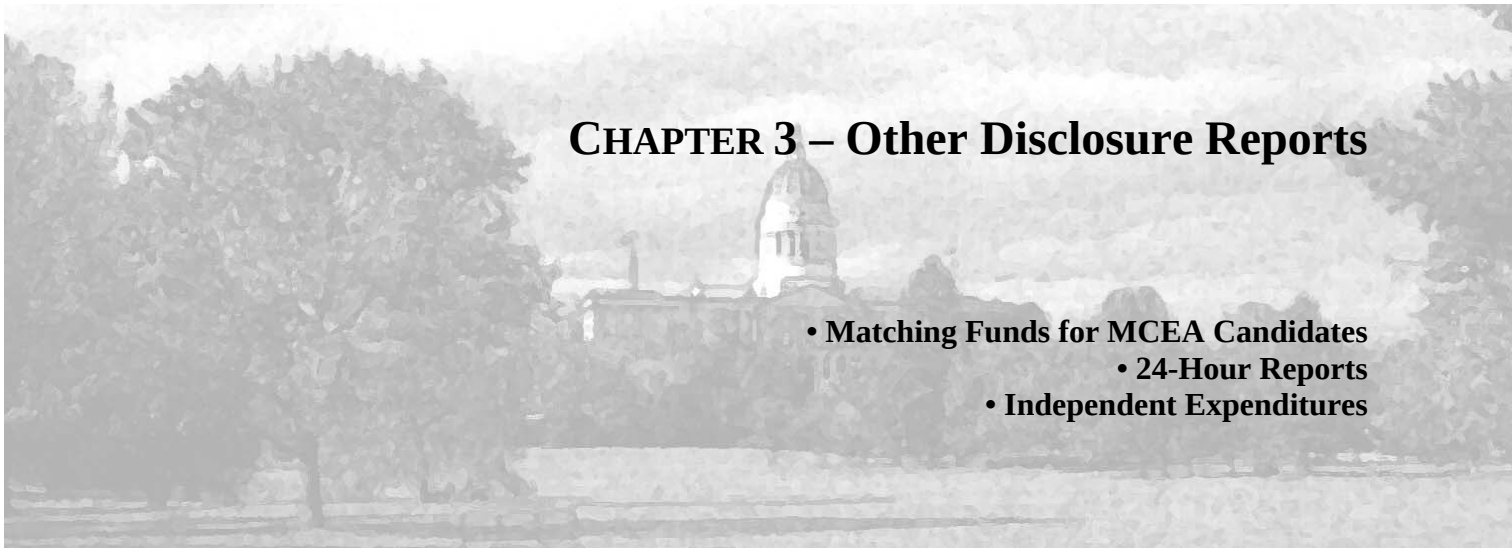
The maximum penalty that can be assessed against municipal, district or county committees is $500 per regular campaign finance report. (There are different penalties for independent expenditure reports.) A person who fails to file a required report within 30 days of the filing deadline is guilty of a Class E crime. A party committee's failure to pay penalties may result in referral to the Attorney General's office for enforcement of the violation in a civil action to collect the amount due.

Appealing a Penalty

When a treasurer receives notice that a penalty will be assessed for filing a report late, the party committee has ten days from receipt of the Commission's certified letter to request a waiver of the penalty by the Commission due to mitigating circumstances or other reasons. This can be done in person by the party committee's treasurer or chair, or by submitting a notarized 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 and answer any questions regarding the late-filing. After the Commission meets, notice of its final determination and the penalty imposed, if any, will be sent to the party committee's treasurer. The penalty must be paid in full within 30 days unless payment arrangements are made.

LEGAL REFERENCES	
Contributions Received by Committee	21-A M.R.S.A. § 1017-A(1)
Contributions to Candidates or Committees	21-A M.R.S.A. § 1017-A(2)
Expenditures	21-A M.R.S.A. § 1017-A(3)
In-Kind Contributions and Expenditures	21-A M.R.S.A. § 1017-A(3)
Reminders by Commission	21-A M.R.S.A. § 1017-A(6)
Penalties, Basis For	21-A M.R.S.A. § 1020-A(4)(A)
Penalties, Mitigating Circumstances	21-A M.R.S.A. § 1020-A(2)
Penalties, Maximum	21-A M.R.S.A. § 1020-A(5)(A)
Penalties, Appealing	21-A M.R.S.A. § 1020-A(6)



CHAPTER 3 – Other Disclosure Reports

• Matching Funds for MCEA Candidates
• 24-Hour Reports
• Independent Expenditures

In addition to regular campaign finance reports, municipal, district and county committees may be required to file two types of additional reports during the election year – 24-Hour Reports and/or Independent Expenditure reports.

Matching Funds for MCEA Candidates

In some circumstances, Maine Clean Election Act (MCEA) candidates may qualify to receive matching funds in addition to the initial amounts they have received for an election. Matching funds are designed to allow the MCEA candidate to stay competitive financially with the candidate's opponent by "matching" the spending ability of the opponent.

The Commission pays matching funds based on a comparison of the money raised or spent by each candidate in a race, including money spent by third-parties to support or oppose the candidate. It is important that party committees understand when they must file reports of their independent expenditures and comply with these reporting requirements because they impact how much matching funds MCEA candidates are entitled to receive.

24-Hour Reports of Expenditures

If a party committee makes a single expenditure or obligation of $1,000 or more during the last thirteen days before an election (primary or general), it must file a 24-Hour report with the Commission. Your party committee must disclose any single

How to file 24-Hour Reports:

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

When to file 24-Hour Reports:

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

expenditure (including an obligation) of $1,000 or more within 24 hours of that expenditure. If the deadline for filing a 24-Hour report falls on Saturday or Sunday, the report must be filed on that day. It can be filed electronically from the party committee's homepage on the Commission's e-filing website. Otherwise, the form must be faxed to the Commission on the due date and the original received by the Commission within five days thereafter.

Any expenditure reported in a 24-hour report must also be reported in the committee's regular campaign finance report for the reporting period in which the expenditure was made.

Independent Expenditures

What is an independent expenditure?

An independent expenditure is any expenditure for any communication that expressly advocates the election or defeat of a clearly identified candidate. Any expenditure made in cooperation or consultation with a candidate or his or her campaign is considered a contribution to the candidate and is not an independent expenditure. Expenditures coordinated with a candidate must be reported by the candidate as an in-kind contribution and by the committee as an expenditure on Schedule B.

Any communication that qualifies as an independent expenditure must disclose in the communication the name and address of the person who made or financed the communication and a notarized statement that it was not authorized by the candidate.

Because independent expenditures may cause matching funds to be paid to a candidate's opponent, if he or she is a Maine Clean Election Act participant, some candidates may wish to tell supporters not to make independent expenditures in support of their campaigns.

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

Communications That Are Presumed To Be Independent Expenditures

Any communication made within the last 21 days before a primary election or 35 days before a general election that names or depicts a clearly identified candidate is presumed to be an independent expenditure if a Maine Clean Election Act candidate is in the race. If the communication is disseminated during those periods, even if it does not expressly advocate for or against a candidate but only mentions the candidate's name or includes a picture of the candidate, it will be considered an independent expenditure. (If the communication is disseminated more than 21 days before a primary election or 35 days before a general election, the communication must expressly advocate the election or defeat of a candidate to be considered an independent expenditure.) Party candidate listings (also known as slate cards) are exempt from the independent expenditure reporting, but not the 24-hour reporting requirement listed above.

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 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 and request an early determination from the Commission. The Commission staff is available to answer any questions regarding independent expenditures.

Filing Deadlines

When you have to file an independent expenditure report will depend on two things: 1) the aggregate amount you have spent on a candidate; and 2) when you made the expenditure. If the aggregate amount spent on a candidate is:

- $100 or less, an independent expenditure report does not have to be filed.
- More than $100 but not more than $250, an independent expenditure must be reported in a quarterly report or a pre-election report due on the 14th day before an election.
- More than $100 and an expenditure is made in the last 13 days before an election, an independent expenditure report must be filed within 24 hours of making the expenditure.
- More than $250, an independent expenditure report must be filed within 24 hours of making the expenditure, regardless of the amount of the expenditure.

It is important to note that it is the total or aggregate amount spent per candidate *for the election* that matters in determining whether an independent expenditure has been made and when it has to be reported, not simply the amount of an individual expenditure.

For example, 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 24 hours 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. Any additional expenditure – regardless of the amount – would have to be reported within 24 hours of making the expenditure because the aggregate amount you have spent on Candidate A is over $250.

If you buy a separate ad for Candidate B that costs $125, the aggregate you have spent is only $200 (the first ad for $75 and the second ad for $125), so you would have to file a quarterly report. However, if you bought that $125 ad for Candidate B within the 13 days before the election, you would have to file the report within 24 hours.

Quarterly reports for independent expenditures are due by 5:00 p.m. on:

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

Pre-election reports for independent expenditures are due by 5:00 p.m. on:

- The 14th day before an election and must be complete as of that day

You do not have to report independent expenditures on behalf of a candidate as long as the total spent per candidate never goes over $100. But remember, it is the running total spent on each candidate that triggers whether you have to file a report, not just the amount of a single expenditure.

Filing Independent Expenditure Reports

Independent expenditure reports cannot be filed electronically; they must be filed on paper. If the 24-hour deadline for an independent expenditure report falls on a Saturday or Sunday, 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.

If the party committee makes an independent expenditure of $1,000 or more during the last 13 days before an election, it does not have to file a 24-Hour report in addition to the independent expenditure report.

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.

Penalties for Late Filed Reports and Failure to File

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. However, if the late-filing or failure to file results in the late payment of matching funds to a MCEA candidate, the penalty may be as much as $10,000. The failure to file an independent expenditure report after proper notice has been given by the Commission is a Class E crime.

Definitions

"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 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," "Harris in 2000," "Murphy/Stevens" or "Canavan!"

"Clearly identified," with respect to a candidate, means that:

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

Summary

For a communication to be considered an independent expenditure, it must "expressly advocate" in support of or in opposition to a candidate. However, if the communication is made in the 21 days before a primary election or 35 days before a general election, it will be presumed to be an independent expenditure even if it just mentions a candidate in words or pictures if there is a MCEA candidate in the same race.

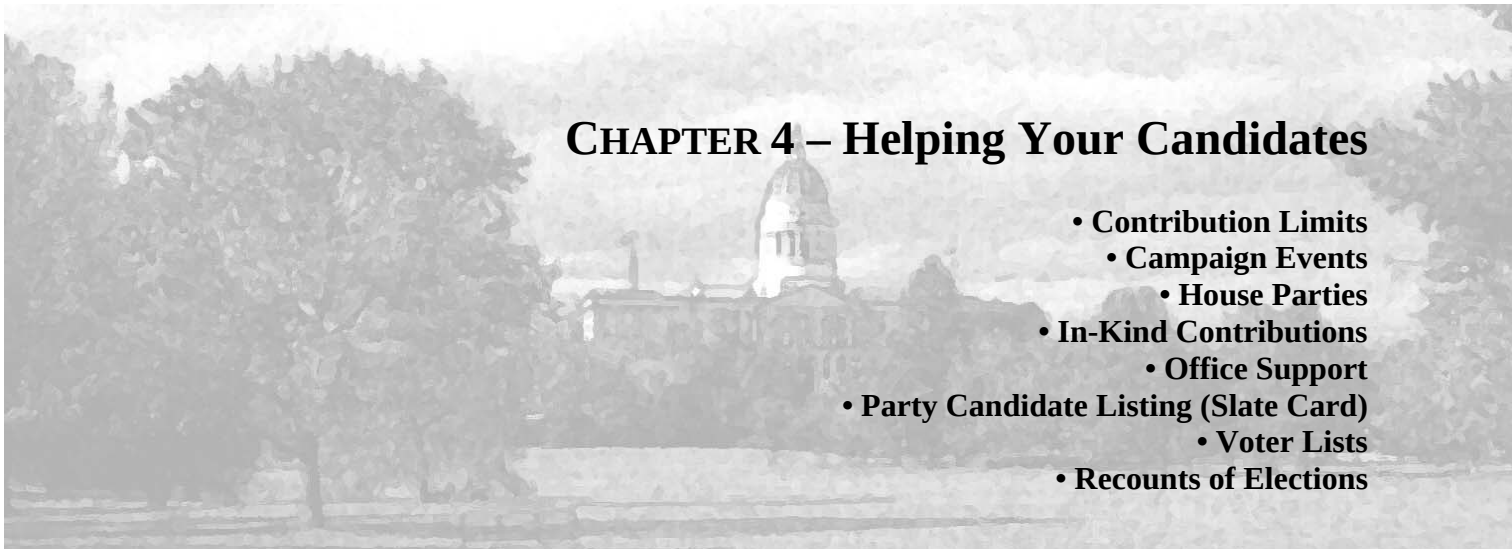
Once you have spent more than $100 per candidate, you will have to report your expenditures for that candidate on independent expenditure reports.

If your expenditures per candidate total more than $100 but not more than $250, the independent expenditures must be reported in a quarterly report or a pre-election report.

Once you have spent more than $250 per candidate, you will have to file a report within 24 hours of making any expenditure, regardless of the amount.

If you make an independent expenditure in the last 13 days before an election, you have to file a report within 24 hours of making that expenditure if the aggregate amount you have spent per candidate is greater than $100.

LEGAL REFERENCES	
Matching Funds	21-A M.R.S.A. § 1125(9); Rules, Chapter 3, Section 5(3)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017-A(4-B)(C)
Independent Expenditures	21-A M.R.S.A. § 1019-B; Rules, Chapter 1, Section 10
Communications Not Authorized by Candidate	21-A M.R.S.A. § 1014(2)
Penalties	21-A M.R.S.A. §§ 1020-A (5-A)(A); 1127(1)



CHAPTER 4 – Helping Your Candidates

• Contribution Limits
• Campaign Events
• House Parties
• In-Kind Contributions
• Office Support
• Party Candidate Listing (Slate Card)
• Voter Lists
• Recounts of Elections

There are several aspects of the Election Law that are unique to party committees. This chapter is an overview of those things that your committee can do to help your candidates.

Contribution Limits

Pursuant to 21-A M.S.R.A. § 1015(2), the contribution limits per election (primary or general) are as follows:

Privately Financed Candidates for the Legislature	$250
Privately Financed Candidates for Governor	$500
Party Committees	Unlimited
Political Action Committees	Unlimited

Campaign Events

A party committee can pay for a campaign event where <u>three or more candidates</u> attend without it counting as a contribution. If only two candidates are in attendance, the cost of the event and any proceeds may be considered a contribution to the candidate. This could be a serious complication if one of the candidates is a MCEA participant because it may violate Maine Clean Election Act requirements.

House Parties

An individual may voluntarily provide the use of real or personal property and the cost of invitations, food and beverages without making a contribution to candidate, as long as the total value of these activities does not exceed $100 per candidate per election (primary or general). These costs do not need to be reported by the individual, committee or candidate.

In-Kind Contributions

Your party 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, your party committee has made an in-kind contribution. 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 $500 or $250 contribution limit for privately financed candidates. Certified MCEA candidates cannot accept any cash or in-kind contributions.

Generally, expenditures by your party committee that are made in cooperation or consultation with the candidate to promote their election are contributions to the candidate, except for expenditures for certain excluded activities such as party candidate listings (slate cards) and campaign events for three or more candidates. These contributions count toward the contribution limit for privately financed candidates. You are required to report the expenditures and the candidate is required to report the goods and services received as in-kind contributions. This is prohibited in the case of certified MCEA candidates, because they cannot accept contributions.

Office Support

You can provide office support for a candidate provided that there is no additional cost to you. For example, you can have a phone bank at your office, or provide a computer or a photocopier to a candidate, if you do not pay an additional cost to do so.

Party Candidate Listing (Slate Card)

A party candidate listing (or slate card) is a specific type of political communication made by party committees. It will not be considered an independent expenditure or a contribution to a candidate. This exception in the law is uniquely available to political party committees at the state or local level. To be covered by this exception, the party candidate listing must meet very specific criteria. It must

- List <u>three or more</u> candidates for public office;
- Be distributed through public advertising (radio, TV, newspapers, direct mail, e-mail, internet sites, etc.);
- Treat all candidates in the substantially same manner (federal candidates may be treated differently if required under federal law); <u>and</u>
- Limit content of the communication to:

- Identification of each candidate (pictures can be included);
- Offices sought;
- Offices currently held by the candidates;
- Party affiliation;
- A brief statement about the party's or candidates' positions, philosophy, goals, accomplishments, or biographies;
- Campaign slogans;
- Campaign or party logos;
- Encouragement to vote for the candidates identified; and
- Information about voting (hours and locations).

If the communication contains language outside these categories, it does not qualify as a party candidate listing. Please see below examples of acceptable and unacceptable party candidate listings based on the preceding criteria.

ACCEPTABLE

SAY YES!! VOTE ON NOVEMBER 7th
SUPPORT THE MAINE COON CAT PARTY!

PAUL HARRIS
SENATE DISTRICT A
SAY YES TO SERVICE ABOVE SELF
MEMBER, AUGUSTA ROTARY CLUB

ADDISON MONK
GOVERNOR
SAY YES TO LOWER TAXES
FORMER ATTORNEY GENERAL

LARRY WEINSTEIN
HOUSE DISTRICT Z
SAY YES TO NEW JOBS
SMALL BUSINESS OWNER

PAID FOR & AUTHORIZED BY THE COON CAT PARTY OF MAINE, 3 PIZZA CONNECTION LANE, AUGUSTA, MAINE 04330

UNACCEPTABLE

SEND GOVERNOR MONK BACK TO AUGUSTA ON NOVEMBER 7th

VOTE FOR
MONK!

~ **NO** New Taxes on Her Watch
~ Created the Maine Healthy Schools Program
~ Increased Road Funding
~ Brought New Businesses to Maine
~ Forced Government Accountability
~ Reduced State Debt
~ Started the Maine Energy Efficiency Group
~ Eliminated All Unfavorable Fees

FOUR MORE YEARS AND SHE WILL CREATE THE MAINE YOU WANT FOR YOUR KIDS!!!

Joshua Weinstein
House District Z

Paul Harris
Senate District A

Voter Lists

Party committees can provide any voter lists they create, obtain or maintain, either at cost or not, free-of-charge to a candidate, including MCEA candidates. This list will not be considered an in-kind contribution and will not be subject to the contribution limits.

Recounts of Elections

Party committees may contribute to a candidate without limitation for the purposes of a recount. These contributions must be identified on the appropriate campaign finance report and state that they were for the sole purpose of a recount.

LEGAL REFERENCES	
Contribution Limits	21-A M.R.S.A. §§ 1015(2)
Campaign Events	21-A M.R.S.A. § 1012(2)(B)(8-A)
House Parties	21-A M.R.S.A. § 1012(2)(B)(3)
In-Kind Contributions	21-A M.R.S.A. §§ 1012(2)(A); 1014(3-A)
Office Support	21-A M.R.S.A. § 1012(2)(B)(9)
Party Candidate Listing (Slate Card)	21-A M.R.S.A. § 1012(5)
Voter Lists	21-A M.R.S.A. § 1012(2)(B)(6)
Recounts of Elections	21-A M.R.S.A. § 1018(B)

CHAPTER 5 – Campaign Communications

- **Communications Authorized by the Candidate**
- **Communications Not Authorized by a Candidate**
- **Communications Exempt from Disclosure**
- **Automated Telephone Calls**
- **Requirements for Broadcasters and Newspapers**
- **Enforcement**
- **Placement of Political Signs**
- **Push Polling**

Disclosure on Communications Authorized by the Candidate

When a party committee makes an expenditure for a communication expressly advocating the election or defeat of a candidate, the communication must clearly and conspicuously state the name and address of the party committee that paid for or financed the communication, and state that the candidate authorized 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 a primary election or 35 days before a general election. This includes communications made through broadcasting stations, newspapers, magazines, outdoor advertising facilities (including yard signs), direct mails, and other types of political advertising through flyers, handbills, bumper stickers, and other non-periodical publications. By authorizing a communication paid for by the party committee, the candidate received an in-kind contribution. If a candidate does not want to receive a contribution or if the party committee does not intend to make a contribution to a candidate, there should be no discussions, cooperation or coordination between the candidate and the party committee regarding the communication.

Communications Not Authorized by a Candidate

If a communication is not authorized by a candidate, a candidate's authorized political committee or their agents, the communications must clearly and conspicuously state that the communication is not authorized by any candidate, and state the name and address of the party committee who made or financed the expenditure for the communication. If the communication is in written form, it must contain at the bottom in 10-point bold print, Times New Roman font, and the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE." This statement is also required for all independent expenditures.

PAID FOR BY THE MAINE COON CAT PARTY, 2 TWIN STREET, AUGUSTA, ME

NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE

Communications Exempt from Disclosure

Some campaign-related items do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible. These items are ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers, and similar items determined by the Commission to be too small and unnecessary for the disclosure statement. Yard signs are NOT exempt from the attribution statement.

Automated Telephone Calls

Automated telephone calls that name a clearly identified candidate that are made 21 days before a primary election or 35 days before a general election must include 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.

Requirements for Broadcasters and Newspapers

Broadcasting stations and newspapers in Maine may not broadcast or print communications without the required disclosure.

Push Polling

Push polling refers to telephoning voters as if taking a poll but with the actual intention of influencing the vote of the recipients. Parties conducting a push poll are required to register with the Commission. Please read 21-A M.R.S.A. § 1014-B or call the Commission for more information.

Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to $200. Anyone who intentionally misleads voters about the source of a communication may be subject to a penalty of up to $5,000.

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:

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.

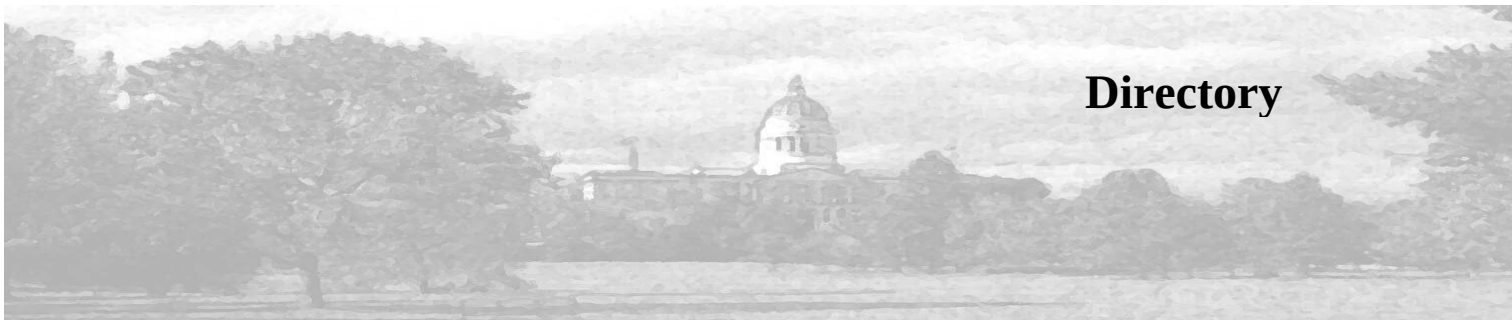
Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.

1. 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.
2. 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.
3. **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.
4. 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.
5. 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.
6. **Municipal ordinances** advocating stricter control take precedence over state law.

Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care not to place signs or posters where same 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 Robert Sinclair the supervisor of 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	
Communications Authorized by Candidate	21-A M.R.S.A. § 1014(1)
Communications Not Authorized by Candidate	21-A M.R.S.A. § 1014(2)
Communications Exempt from Disclosure	21-A M.R.S.A. § 1014(2)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Requirements for Broadcasters & Newspapers	21-A M.R.S.A. § 1014(3) and (3-B)
Push Polling	21-A M.R.S.A. § 1014(B)
Enforcement	21-A M.R.S.A. § 1014(4)
Placement of Political Signs	23-A M.R.S.A. § 1913(A)



Directory

Commission on Governmental Ethics and Election Practices
Office: 242 State Street, 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.mainecampaignfinance.com/public/home.asp

Department of the Secretary of State, Division of Elections
Office: 111 Sewall St., 4th Floor, Augusta
Mail: 101 State House Station
Augusta, Maine 04333-0101
Phone: (207) 624-7650
Fax: (207) 287-6545
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