

Primer on Independent Expenditure Reports

- *What are IEs?* The costs of communications to voters advocating for the election or defeat of candidates (mailings, digital ads, TV and radio ads, signs, *etc.*)
- *Who makes them?* Most often, IEs are made by PACs and political parties, but they can be made by individuals or groups not registered with the Commission
- *What's in the report?* Spender needs to specify the amount spent to support or oppose each candidate, and amounts paid to vendors (*refer to attached example*)
- *Why are they called independent?* The IE report contains an affirmation that the expenditure was made independently of the candidates in the race (that is, the spending was not an in-kind contribution to any candidate).
- *When are they filed?* An IE report is a conditional report that is in addition to the regular reports filed by PACs and party committees. The schedule is set by Commission rule, not statute:

<i>Expenditure date (includes debts)</i>	<i>Deadline for IE</i>
14-60 days before an election	Within 2 calendar days of expenditure
1-13 days before election	Within 1 calendar day of expenditure

JW opinion (*maybe in the minority*): the Commission or Legislature might be able to relax this schedule, but it is not a priority.

- *What advocacy is covered?*
 - Communications that expressly advocate for the election or defeat of a candidate (Vote for Jones! Dump Smith!), AND
 - Communications naming a specific candidate after Labor Day, unless the spender demonstrates that the cost was not incurred with a purpose of, or had the effect of, influencing the election (contrasting examples attached)



Commission on Governmental Ethics and Election Practices
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2022 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER
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REPORT	DUE DATE	REPORTING PERIOD
1-Day Pre-General IE Report	11/02/2022	11/01/2022-11/01/2022

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$7,140.00
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$7,140.00

AFFIDAVIT

STATE OF _____

COUNTY OF _____

Ellen Wainwright, being duly sworn, attests that each of the expenditures listed in the attached report was made independently of, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate(s) named in the report, the political committee of the candidate(s), or their agents.

 (Signature of Affiant)

Sworn to before me this _____ day of _____ 2022

 (Notary Public/Attorney at Law)

Making a false statement under oath is punishable by law.

REPORT FILED BY: Ellen Wainwright
 REPORT FILED ON: 11/2/2022 2:29:58 PM
 LAST MODIFIED:
 COMMITTEE ID: 270
 REPORT NUMBER: 35112

**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
11/1/2022	SUPPORT	Hon. Amy B Arata	Representative	104	Binnie Media	\$1,050.00
11/1/2022	SUPPORT	Mrs. Kimberly J Pomerleau	Representative	85	Binnie Media	\$1,200.00
11/1/2022	SUPPORT	Barbara Bagshaw	Representative	106	Binnie Media	\$270.00
11/1/2022	SUPPORT	Mrs. Pamela Diane Buck	Representative	142	Binnie Media	\$1,050.00
11/1/2022	SUPPORT	Mr. Caleb Joshua Ness	Representative	82	Binnie Media	\$1,050.00
11/1/2022	SUPPORT	Ms. Linda L Baker	Representative	51	Binnie Media	\$1,200.00
11/1/2022	SUPPORT	Mr. Michael Hall	Representative	107	Binnie Media	\$270.00
11/1/2022	SUPPORT	Ms. Rachel Henderson	Representative	78	Binnie Media	\$1,050.00
Total itemized independent expenditures greater than \$250 per candidate						\$7,140.00
Total unitemized independent expenditures of \$250 or less per candidate						\$0.00
Total independent expenditures for all candidates						\$7,140.00

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
11/1/2022	Binnie Media 30 Thomas Dr Unit 4 Westbrook, ME, 04092	Radio Ads	RAD	\$7,140.00
Total Expenditure				\$7,140.00

GOVERNOR MILLS:

**SUPPORT SHAWMUT
RELICENSING**

clideo.com

PAID FOR BY BROOKFIELD WHITE PINE HYDRO LLC

The image shows a video player window. The video content features a woman with blonde hair, wearing a blue jacket, speaking. Behind her is a large dam with water cascading over it. The video has a blue overlay with white text. The Windows taskbar is visible at the bottom of the screen, showing various application icons and the system tray with the date and time.

...and for the

SAME REASON."

-Mark Twain

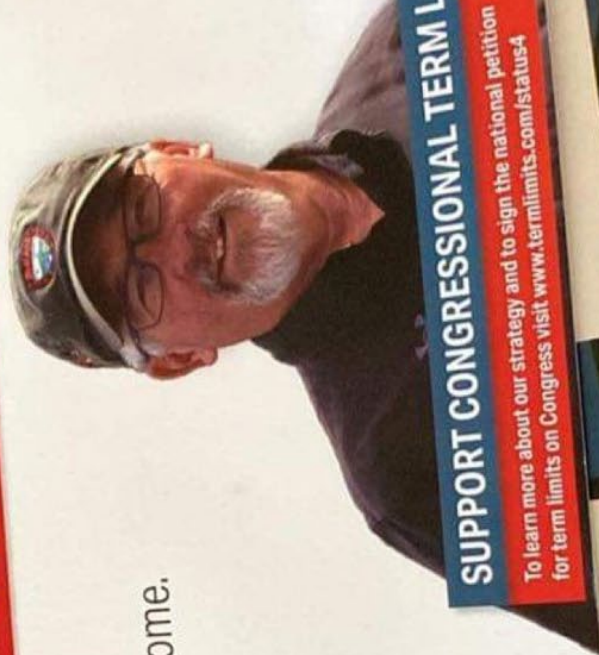
Washington is broken.
Career politicians need to be sent home.

Stephen Davis HAS NOT signed
the U.S. Term Limits pledge.

TELL STEPHEN DAVIS:

Stop putting the swamp and special interests
ahead of the people of Maine.

Call Davis: (207) 837-3720



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for term limits on Congress visit www.termimits.com/status4

To learn more about our strategy and to sign
the national petition for term limits on Congress
visit www.termimits.com/status2

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IN THE
UNITED STATES

21-A M.R.S. § 1019-B. Reports of independent expenditures (eff. 10/25/23)

1. Independent expenditures; definition. For the purposes of this section, an “independent expenditure” means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized political committee or an agent of either and that:

A. Is made to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or

B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

2. Commission determination. A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with a purpose of influencing the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material. The commission shall determine by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate. In order to make this determination, the commission shall consider whether the language and other elements of the communication would lead a reasonable person to conclude that the communication had a purpose of, or had the effect of, influencing an election. The commission may consider other factors, including, but not limited to, the timing of the communication, the recipients of the communication or, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate. The commission's executive director shall make an initial determination on the request, which must be posted on the commission's publicly accessible website. Any person may appeal the initial determination, which must be considered by the commission at the next public meeting that is feasible.

3. Report required; content; rules. [Repealed]

4. Report required; content; rules. A person, party committee or political action committee that makes any independent expenditure in excess of \$250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of unsworn falsification, as provided in Title 17-A, section 453, a statement whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically.

5. Exclusions. An independent expenditure does not include:

A. [Repealed]

B. 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;

C. 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

D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.