

CAMPAIGN EXPENSE REPORTING FREQUENTLY ASKED QUESTIONS for JUDICIAL CANDIDATES

- **As a judicial candidate, when may I start soliciting funds in support of my candidacy?**
 - Immediately after the General Election of the year before the year in which you are running. See Rule 4.4(B)(2) of the Code of Judicial Conduct.
- **May I personally solicit or accept campaign contributions?**
 - NO. Judicial candidates may only solicit and accept contributions through an authorized campaign committee. See Rule 4.1(A)(7) of the Code of Judicial Conduct.
- **When am I required to file?**
 - Candidates AND their authorized committees are both required to file two separate reports, regardless of activities for pre- and post-election reports.
 - Though judicial candidates may solicit contributions only through an authorized campaign committee, judicial candidates are still required to file the candidate reports or in lieu of the candidate reports the campaign finance statements required by the Campaign Finance Reporting Law.
 - Statewide judicial candidates and their authorized committee(s) are required to file Sixth Tuesday Pre-Primary and Pre-Election Reports.
 - All judicial candidates and their authorized committee(s) are required to file the Second Friday Pre- and Thirty-Day Post-Primary and Election Reports.
 - If a Candidate loses in the Primary, the candidate and their authorized committee(s) are still required to file a Post-Primary Report. The authorized committee(s) may terminate the committee on the Post-Primary Report. If a termination report for a committee of a judicial candidate who lost in the primary is not received before the end of the calendar year, the authorized committee will be required to file an Annual report. To terminate, the committee must mark the termination box on the expense report they are submitting.
 - If a Candidate wins the Primary, the candidate and their authorized committee(s) must file the Pre- and Post-Election reports as explained above. The authorized committee may terminate with their Post-Election Report. If they do not terminate, they must file an Annual report. To terminate a committee, the committee must mark the termination box on the expense report they are submitting.
 - Candidates for **retention election** are required to file the Pre- and Post-election candidate reports for the November election. Candidates seeking retention election for a statewide judicial office and their authorized committee(s) must file the Sixth Tuesday Pre-election report in addition to the Second Friday pre-election and 30-day Post-election reports.
- **If someone contributes to me, are they required to file?**

- If a PAC contributes to a candidate or a candidate's authorized committee in the amount of \$250 or more, the PAC is required to file as if they were the candidate or retention candidate.
 - Example: PAC ABC gives \$700 to Committee to Elect Miller for Commonwealth Court on February 2, 2017. Miller is running for Commonwealth Court, therefore, PAC ABC would be required to file the Sixth Tuesday Pre-Primary, Second Friday Pre-Primary and Thirty Day Post-Primary reports.
 - Some Federal PAC's may contribute and wish to terminate after the contribution is made. This can be done if the report submitted is accompanied with a letter stating the PAC will be operating on a Federal level or if the committee's balance is at zero.
- An individual who makes a contribution from his or her own personal funds does not have to report the contribution separately, unless the individual is a lobbyist. A lobbyist who makes a contribution to a candidate or the candidate's authorized committee(s) in any amount must register and file an expense report or finance statement.
- **When must I terminate my authorized committee?**
 - There is no set date by which the judicial candidate's authorized committee must be terminated, but all fundraising activities in connection with a campaign must end no later than the last calendar day of the year in which the judicial election is held. See Rule 4.4(B)(2) of the Code of Judicial Conduct. Please keep in mind committees, which do not terminate, must continue to file reports as prescribed by the campaign finance reporting law.
- **How do I terminate my committee?**
 - The balance must be at zero and the committee must not have any cash on hand, unpaid debts or late fees owed.
 - Loans can be forgiven. A letter must be submitted to the Department of State to be placed in the public file listing the amount that is being forgiven and who is forgiving the debt.
 - To terminate, the committee must mark the termination box on the expense report they are submitting
- **Can corporations or labor unions contribute to me?**
 - NO. Corporations and labor unions are prohibited from making direct contributions in connection with the election of any candidate. See § 1633(a). An individual is a candidate if he or she "seeks nomination or **election** to public office." See § 1621(a). The word "election" is defined to include a retention election. See § 1621(c).
- **What contributions are subject to the 24-Hour Reporting Rule?**
 - Contributions of \$500 or more given to a candidate (appearing on the ballot) or a candidate's authorized committee during the 24 Hour Reporting period. The 24 Hour Reporting period is the period beginning on the day after the complete date for the Second Friday Pre-Primary and Pre-Election Reports through the day of the Primary or Election.
 - These contributions should be reported as of the date the contribution is received.
 - When preparing the Thirty-Day Post-Primary and Election Reports, the same date reported on the 24 Hour Contribution report should be used when reporting the

contribution on the post-primary and election reports. You must use the date the contribution was received rather than the date of the check. Failure to correctly record the date of the contribution results in delays when the Department is reconciling 24 Hour Contribution reports with post-election reports. Misreporting may also result in the filer incurring a late fee.

- 24 Hour Contribution reports can be submitted online or via fax or email using the prescribed form.
- **Where do I file?**
 - Reports should be sent to the county election office in which the candidate resides AND the Department of State.
 - Currently, you can file online or via mail with the Department of State. Faxed reports are not acceptable.
 - A report submitted by mail must be postmarked no later than the day before the reporting deadline to be considered timely.
- **What if I file late?**
 - The late fee is \$10 for each day or part of a day excluding Saturdays, Sundays and holidays that a report is overdue. An additional fee of \$10 is due for each of the first six days that a report is overdue. The maximum fee payable with respect to a single report is \$250. *See § 1632(a).*
 - Late fees cannot be paid with campaign contributions. The late filing fee is the personal liability of the candidate or treasurer.
 - ***Please note that a judge-elect or a retained judge cannot receive her commission until election returns are certified and all candidate and authorized candidate committee reports are duly filed, including the 30-day post-election reports. (The Department of State must receive certified election returns and a certification of campaign expense compliance from the appropriate county for successful magisterial district judge candidates before commissions can be issued for those judges-elect.) See § 1632(b).***