



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

To: Commissioners
From: Jonathan Wayne, Executive Director
Date: April 21, 2022
Re: Recommended Actions against Howard Patten and Timothy Keenan for Not Registering as Candidates

Duty to register as a candidate. Under 21-A M.R.S.A. § 1013-A(l)(A), candidates for state office are required to appoint a treasurer within 10 days of becoming a candidate. Within 10 days of appointing a treasurer, they are required to register as a candidate with the Commission. Registration is not difficult. They can register by filling out a simple online form (no login required) or use a paper form available on our website (attached). (For your information, sections 2-A, 3, and 4 of the paper form are optional, and Section 6 does not apply to most candidates.)

Registrations received to date. Most candidates are aware of the registration requirement through prior campaign experience or because they have heard about it from other candidates or the political parties. To date, 341 House candidates and 81 Senate candidates have registered for the 2022 primary election, along with 105 candidates for District Attorney and county offices.

Unregistered Candidates. Candidates who are enrolled in a political party were required to qualify for the primary election ballot by March 15, 2022 by filing nominating petitions with the Secretary of State. The Commission staff has diligently tried to get all 2022 candidates for legislative and county office to register by sending them notices and registration forms, and sometimes by calling (when phone numbers are accessible).

On March 7, 2022, Timothy Keenan qualified for the ballot as the only candidate in the Republican primary election for State Representative, District #132, which includes Biddeford. On March 14, 2022, Howard Patten qualified for the ballot as the only candidate in the Republican primary election for State Representative, District #151, which includes Kittery. The Commission staff sent three notices to them by U.S. Mail requesting that they register. The last two notices warned them of a possible \$100 penalty if they did not register. We left a voicemail message for Mr. Keenan on his cell or home phone, and a voicemail for Mr. Patten at his construction company. These attempted contacts are noted in the attached excel chart. The correspondence is also attached (all letters were sent on official Commission letterhead although some of the attached copies are based on electronic versions that do not show the Commission name and address). In spite of these efforts, Mr. Keenan and Mr. Patten have not registered.

Recommendation by Commission staff. The Commission staff recommends that you find that the candidates violated 21-A M.R.S.A. § 1013-A(l)(A) by failing to timely register with the Commission and assess a \$100 penalty against each of them, pursuant to 21-A M.R.S.A. § 1020-A(1). For your information (concerning precedents), at a March 25, 2016 meeting, the Commission found one candidate in violation for not registering, but assessed no penalty. The candidate attended the meeting and apologized. All candidates registered in 2018. Due to COVID, we did not take enforcement actions against any unregistered candidates in 2020.

It is possible that Mr. Patten and Mr. Keenan were asked to qualify for the primary election as “paper candidates” and the intend to withdraw after the primary election to be replaced by their party’s nominee. We cannot confirm this, however. Regardless, they are required to register with the Commission as candidates and file campaign finance reports for the primary election by June 3 and July 26, 2022.

Thank you for your consideration of this item.

2022 Unregistered Candidates

Office	District	Party	Date Qualified for Ballot	First Name	Last Name	Town	February-March Letter(s) (sent by U.S. Mail unless email is noted)	Final Notice of Requirement to Register	Voicemails left on 4/11/2022	Notice of 4/27/2022 Meeting and Opportunity to Respond to \$100 Penalty
State Rep.	132	R	03/07/22	Timothy	Keenan	Biddeford	3/8/2022 (email) 3/22/2022	4/1/2022	LB left VM to call back ASAP	04/15/22
State Rep.	151	R	03/14/22	Howard	Patten	Kittery	3/16/2022	4/1/2022	MC left msg at his business to file ASAP	04/15/22



2022 CANDIDATE REGISTRATION

Notice: Changes to registration information must be filed within 10 days in writing or by email to the Commission.

Is this an amendment? Yes No

1. CANDIDATE INFORMATION			
Financing Type:		<input type="checkbox"/> Maine Clean Election Act (MCEA)	<input type="checkbox"/> Traditionally Financed
Title (optional): <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Mx. <input type="checkbox"/> Dr. <input type="checkbox"/> Hon.	Gender (optional): <input type="checkbox"/> F <input type="checkbox"/> M <input type="checkbox"/> X	Party Affiliation:	Office Sought & District Number:
Name: First	MI or Middle Name	Last	
Mailing Address:			Public Phone:
City:	ZIP Code:	Alternate Phone (<i>Commission use only</i>):	
Email (Required):			

2. TREASURER INFORMATION			
Name: First	MI or Middle Name	Last	Phone:
Mailing Address:			
City:	ZIP Code:	Email (Required):	

DESIGNATION OF TREASURER: A candidate for office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and for filing reports. A MCEA candidate may serve as treasure for no more than 14 days following the date of registration.
 21-A MRSA §§ 1013-A and 1125(12-A))

2A. DEPUTY TREASURER INFORMATION (optional)			
Name: First	MI or Middle Name	Last	Phone:
Mailing Address:			
City:	ZIP Code:	Email (Required):	

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer and notify the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A MCEA candidate may serve as deputy treasurer for no more than 14 days following the date of registration.
 (21-A MRSA §§ 1013-A and 1125(12-A)) (21-A MRSA § 1013-A (1)(A)(1))

3. AUTHORIZED AGENT INFORMATION (optional)		
Name:	Phone:	Email (Required) :
Name:	Phone:	Email (Required) :

DESIGNATION OF AUTHORIZED AGENT (optional): Please use this section to designate individuals, other than the treasurer and deputy treasurer, authorized to file reports on your behalf.

4. POLITICAL COMMITTEE INFORMATION (optional)		
Name:	Phone:	
Address of Campaign Headquarters:	City:	ZIP Code:

DESIGNATION OF POLITICAL COMMITTEE (optional): The candidate may form a political or campaign committee. Within 10 days of forming the committee and before accepting contributions, making expenditures or incurring obligations, the candidate must:

- appoint a treasurer (the candidate may have only one treasurer who is listed in Section 2) and
- register the committee and its officers, if any are appointed, with the Commission. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name:	Title:	Phone:	
Mailing Address:	City:	ZIP Code:	Email:

Name:	Title:	Phone:	
Mailing Address:	City:	ZIP Code:	Email:

5. CERTIFICATION

I, _____, certify that the information in this registration is true, accurate and complete.
(Print Candidate's Full Name)

Signature of Candidate: _____ Date: _____

6. REPORTING EXEMPTION REQUEST

Only county and municipal candidates, and legislative candidates in an uncontested primary election may request an exemption.

A candidate may request an exemption from the obligation to appoint a treasurer and file campaign finance reports if the candidate does not accept any cash or in-kind contributions or make any expenditures for his or her campaign. You cannot request a reporting exemption if you use your or your spouse's/domestic partner's personal funds to pay for your campaign expenses. To request an exemption, complete the statement below and sections 1 & 5, have the form notarized, and submit it to the Commission.

STATEMENT OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.

Signature of Candidate: _____ Date: _____

Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____

Signature of Notary/Attorney-at-law: _____ My commission expires: _____
(Seal is optional) (Date)

REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.

From: Burke, Emma
Sent: Tuesday, March 8, 2022 13:24
To: tskeenan@gmail.com
Subject: Requirement to Register

Dear Timothy,

Please read the attached letter carefully, and register with the Commission as soon as possible.

Sincerely,

Emma J. Burke (she/her)
Candidate Registrar ~ Maine Ethics Commission
(207) 287-4727 | [Agency Site](#) | [eFiling Site](#)

Mondays & Thursdays Remote
(available by email, phone & Zoom)
Tuesdays, Wednesdays & Fridays in Office
(available by email, phone, Zoom & in office)

***Properly worn masks are required in
the Ethics Commission office***

To: Timothy Keenan

From: Emma Burke, Candidate Registrar

Date: March 8, 2022

Re: Registering with the Ethics Commission

You are listed as a candidate for the Legislature with the Secretary of State's office. The Maine Election Law requires that candidates also register with the Ethics Commission before raising or spending any money for their campaigns. We have included instructions in this letter for how to register with our office.

You may go to our website at www.maine.gov/ethics and print off the relevant registration documents by going to the Forms & Guides page, and clicking on the appropriate option for your office and financing type. Please complete and sign the necessary forms and return them to our office. You may also register online by going to www.mainecampaignfinance.com and clicking the "Sign In/Register" link. Please be aware if you register online you are still required to print, sign and return the registration materials to the Ethics Commission.

If you do not plan on raising or spending any money, or if you intend on withdrawing from the race after the primary election, you still have to register with the Commission. Some candidates may request an exemption from filing campaign finance reports if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions about these requirements, please contact your Candidate Registrar at 287-4727 or emma.burke@maine.gov.

Thank you.

Second Notice

To: Timothy Keenan
From: Emma Burke, Candidate Registrar
Date: March 22, 2022
Re: Registering with the Ethics Commission

This letter is to follow up on correspondence sent to you on March 8, 2022 regarding your candidacy for the Maine Legislature. Maine Election Law requires that candidates:

- register with the Ethics Commission, and
- file campaign finance reports with the Commission.

These requirements apply even if you intend to withdraw as a candidate after the primary election. Failure to register and to file campaign finance reports could result in financial penalties against you.

If you do not register as a candidate, you may be found in violation and assessed a financial penalty at the Commission's next meeting.

Please complete the Candidate Registration form and return it to our office. Or, go to www.mainecampaignfinance.com and click on the "Register" link to register online (provided you print, sign, and return the registration materials to the Ethics Commission by mail or email).

If you do not plan to raise or spend any money, you may be eligible for an exemption from filing campaign finance reports. Please see Box 6 on the Candidate Registration form.

If you have any questions about these requirements, please call me at 287-4727 or email me at emma.burke@maine.gov. Our website (www.maine.gov/ethics) also has campaign forms and guides and other information that you may find useful.

Sincerely,



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04333-0135

April 1, 2022

Timothy Keenan
257 Alfred Street
Biddeford, Maine 04005

Final Notice of Requirement to Register

Dear Timothy:

This letter is to follow up on notices sent to you previously requesting you register with the Maine Ethics Commission because you qualified for the primary election as a legislative or county candidate, which is a legal requirement for all (including placeholder) candidates. (21-A M.R.S. § 1013-A(1)(A))


You must register as a candidate with this office no later than twenty (20) business days from when you started your campaign, which includes when you requested and received your ballot petition paperwork. (21-A M.R.S. § 1013-A(1)(A)) Please register as a candidate no later than April 15, 2022 after which date your name will be placed on the agenda of the Commission's April 27, 2022 meeting for consideration of a finding of legal violation and the assessment of a \$100 penalty.

The easiest way to avoid a penalty is to register promptly. Registration is easy. You can register online at www.mainecampaignfinance.com and click on the 'Register/Sign In' button on the top right corner of the page. Paper forms can be downloaded from www.maine.gov/ethics under the 'Candidates' tab and then 'Forms and Guides.'

Finally, as a primary election candidate, you are required to file campaign finance reports. Certain candidates may request an exemption from filing if they do not plan to raise or spend any money.

If you have any questions, please call me at 287-4179.

Sincerely,



Emma Burke
Candidate Registrar

To: Howard Patten

From: Emma Burke, Candidate Registrar

Date: March 16, 2022

Re: Registering with the Ethics Commission

You are listed as a candidate for the Legislature with the Secretary of State's office. The Maine Election Law requires that candidates also register with the Ethics Commission before raising or spending any money for their campaigns. We have included instructions in this letter for how to register with our office.

You may go to our website at www.maine.gov/ethics and print off the relevant registration documents by going to the Forms & Guides page, and clicking on the appropriate option for your office and financing type. Please complete and sign the necessary forms and return them to our office. You may also register online by going to www.mainecampaignfinance.com and clicking the "Sign In/Register" link. Please be aware if you register online you are still required to print, sign and return the registration materials to the Ethics Commission.

If you do not plan on raising or spending any money, or if you intend on withdrawing from the race after the primary election, you still have to register with the Commission. Some candidates may request an exemption from filing campaign finance reports if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions about these requirements, please contact your Candidate Registrar at 287-4727 or emma.burke@maine.gov.

Thank you.



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April 1, 2022

Howard Patten
28 Bridge Street
Kittery, Maine 03904

Final Notice of Requirement to Register

Dear Howard:

This letter is to follow up on notices sent to you previously requesting you register with the Maine Ethics Commission because you qualified for the primary election as a legislative or county candidate, which is a legal requirement for all (including placeholder) candidates. (21-A M.R.S. § 1013-A(1)(A))


You must register as a candidate with this office no later than twenty (20) business days from when you started your campaign, which includes when you requested and received your ballot petition paperwork. (21-A M.R.S. § 1013-A(1)(A)) Please register as a candidate no later than April 15, 2022 after which date your name will be placed on the agenda of the Commission's April 27, 2022 meeting for consideration of a finding of legal violation and the assessment of a \$100 penalty.

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Emma Burke
Candidate Registrar



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To: Paul Fullam
Timothy Keenan ✓
Benjamin Meiklejohn

Howard Patten
Roger Tranfaglia
Henry Simmons

From: Jonathan Wayne, Executive Director *JW*

Date: April 15, 2022

Re: Notice of Recommended Penalty of \$100 and Opportunity to Respond

This letter is to follow up on the Maine Ethics Commission's previous letters requesting you register with our office because you qualified for the primary election ballot as a candidate for the Maine Legislature or County Commissioner. This is a legal requirement even if you plan to withdraw as a candidate and be replaced by someone else. Our office mailed letters to you in March and on April 1, 2022, but you have not registered.

How to register. To avoid a \$100 penalty, please register as soon as possible by using the Commission's website (www.mainecampaignfinance.com) and clicking on the Register button in the upper right-hand corner. You will need to enter some contact information for yourself and a campaign treasurer (you may serve as your own treasurer).

Responding to the recommended penalty. As of now, the Commission staff intends to recommend the assessment of a \$100 penalty against you for not registering when the Commission meets on April 27, 2022. If you would like to submit written comments against the penalty, please email them to me at Jonathan.Wayne@maine.gov. You are also welcome to respond to the proposed penalty by participating in the meeting remotely by Zoom or in person. The meeting will begin at 9:00 a.m. on April 27, 2022 at the Commission office, 45 Memorial Circle in Augusta. Please call our office at (207) 287-4179 if you would like to participate by Zoom.

If you have any questions, please call email me at Jonathan.Wayne@maine.gov or call the Commission office at 287-4179. Please note that our office will be closed for the Patriots' Day holiday on Monday, April 18, 2022.



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To: Paul Fullam
Timothy Keenan
Benjamin Meiklejohn

Howard Patten ✓
Roger Tranfaglia
Henry Simmons

From: Jonathan Wayne, Executive Director *JW*

Date: April 15, 2022

Re: Notice of Recommended Penalty of \$100 and Opportunity to Respond

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Title 21-A M.R.S.
Chapter 13: Campaign Finance Reports and Finances

Subchapter II
Reports on Campaigns for Office

...

§ 1013-A. Registration

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 4, paragraph A shall appoint a treasurer. The candidate may serve as treasurer, except that a participating candidate, as defined in section 1122, subsection 6, or a candidate certified in accordance with section 1125 may not serve as treasurer, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under chapter 14 until the candidate identifies another person to serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

...

§ 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.