

Agenda

Item #4C



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

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: October 23, 2008

Re: Rep. Patsy Crockett's Request for funding as a contested candidate

Rep. Patsy Crockett is a Maine Clean Election Act (MCEA) candidate for re-election to the House of Representatives in District 57. She requests additional MCEA funds as a contested candidate even though her only opponent is a write-in candidate.

In early June, the Commission paid to her \$4,144 in MCEA funds, the regular amount which is provided to House candidates in a *contested* general election. Later in June, her Republican opponent, Bonnie Tucker, withdrew as a candidate. The local Republican committees nominated Jarody (no last name) as the Republican nominee to replace Bonnie Tucker. Subsequently, Jarody withdrew his candidacy on July 30, 2008. At the request of the Commission staff, Rep. Crockett returned \$2,486 of MCEA funds to the Commission, leaving her with \$1,658 (the amount paid to House candidates in an *uncontested* general election).

Jarody has decided to run for the House as a write-in candidate. His October 21 campaign finance report states that he has received contributions totaling \$366.56 from himself and currently has a cash balance of \$226.24. In response to Rep. Crockett's inquiry, he has submitted an e-mail stating that he does not plan to spend more than \$366.56 on his entire campaign.

Based on Jarody's write-in candidacy, Rep. Crockett has inquired whether she may be considered a contested candidate and receive back the \$2,486 in MCEA funds to spend on her campaign. Under Chapter 3, §8(3) of the Commission's rules, Rep. Crockett is presumed to be in an uncontested election, but she may rebut the presumption and receive MCEA funding as a contested candidate by presenting evidence that Jarody has received or spent "substantial" campaign funds.

Thank you for your consideration of this matter.

October 22, 2008

Jonathan Wayne
Executive Director
Commission on government Ethics

RECEIVED

OCT 22 2008

MAINE ETHICS COMMISSION

Re: Funds for contested general election

Dear Mr. Wayne:

This is to request additional funds be allocated for my campaign as I am now in a contested general election .

On August 1, 2008 you sent me a letter requesting that because I was in an uncontested race I return to the Commission \$2,486.00 from the funds that I had received. I did return the funds on August 6th.

I now have an opponent, a write in candidate named Jarody. It is my understanding that he filed his papers as a write in candidate yesterday October 21st and he now has campaign signs up in House District #57.

Because I am no longer in an uncontested race I am requesting that you return the funds.

I would appreciate you bringing this request to the board attention at their meeting tomorrow as I have no way of know what my opponent has planned for his campaign and I'd like to proceed immediately with my campaign now that I'm in a contested race.

Thank you.

Sincerely,



Patsy Crockett
14 Smith Street
Augusta, Maine 04330

Telephone 623-3641
Cell: 462-4439

From: Jarody Jarody [mailto:jarodyforhouse@verizon.net]

Sent: Wednesday, October 22, 2008 5:01 PM

To: Thompson, Sandy

Subject: Re: Letter the Commission received from Representative Pasty
Crockett

Dear Sandy,

I do not plan on spending more than \$366.56 on this entire election and yes, I would like to attend the Commission meeting on the 27th. I'd like to see in person how my opponent will justify the allotment of more taxpayer funds for her personal campaign considering she has already spent 5 times the amount of cash I planned to spend the entire election.

- D. **Replacement Candidates Who Are Participating Candidates.** Any replacement candidate choosing to become a participating candidate must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any replacement candidates of the opportunity to participate in the Act and the procedures for compliance with this chapter during a special election.

3. **Write-In Candidates**

- A. Write-in candidates are subject to the registration requirements of Title 21-A M.R.S.A. §1013-A and the campaign finance reporting requirements of §1017, as soon as they qualify as a nominee pursuant to 21-A M.R.S.A §723, file a declaration of write-on candidacy with the Secretary of State pursuant to 21-A M.R.S.A. §722-A, or receive contributions or make expenditures with the intent of qualifying as a candidate in the primary or general election, whichever first occurs.
- B. Write-in candidates may not participate in the Maine Clean Election Act, except as provided in paragraph C.
- C. A write-in candidate in a primary election who becomes a party's nominee may participate in the Maine Clean Election Act for the general election. The Commission will establish a qualifying period during which the candidate may become a participating candidate, collect qualifying contributions, and apply to become a certified candidate.
- D. A candidate who is participating in the Maine Clean Election Act and who has no opponent listed on the ballot will be presumed to be in an uncontested election even if there are one or more individuals running as write-in candidates. The participating candidate may rebut this presumption by presenting evidence to the Commission that the write-in opponent(s) received or spent substantial campaign funds. Based upon the evidence presented, the Commission may make a determination that it is a "contested election" and make a distribution of public funds to the participating candidate on that basis.



4. **Special Election When One or More Candidates Desire to Become Certified Candidates.** If a vacancy occurs in the office of Governor, Senator, or Representative because an incumbent dies, resigns, becomes disqualified, or changes residence to another electoral division, and a special election will be held to fill the vacant office, the following provisions apply:

- A. The Commission, in consultation with the Secretary of State, will establish a qualifying period during which any candidate in a special election may decide to become a participating candidate, collect qualifying contributions, and apply to become a certified candidate; and
- B. Any candidate in a special election must otherwise comply with the requirements of this chapter and the Act including, but not limited to, seed money limits and qualifying contribution requirements. The Commission will notify any candidates



RECEIVED

OCT 21 2008

MAINE ETHICS COMMISSION

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

2008 CAMPAIGN FINANCE REPORT

For Privately Financed Candidates

Please complete ALL entries.

CR

Name of CANDIDATE	JARODY		<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT	
Street	164 WATER STREET APT 4.			
City	AUGUSTA	Zip code		04330
Telephone number	(207) 623-4610	E-mail		JARODYFORHOUSE@VERIZON.NET
Office sought	<input checked="" type="checkbox"/> House <input type="checkbox"/> Senate	District number 57		

Name of TREASURER	CANDIDATE		<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT	
Mailing address Street	/			
City	/	Zip code		/
Telephone number	/	E-mail		/

Type of Report	Due Date	Dates of Reporting Period
<input type="checkbox"/> 11-Day Pre-Primary	May 30, 2008	Beginning of campaign – May 27, 2008
<input type="checkbox"/> 42-Day Post-Primary	July 22, 2008	May 28 – July 15, 2008
<input type="checkbox"/> 42-Day Pre-General	September 23, 2008	July 16 – September 16, 2008
<input checked="" type="checkbox"/> 11-Day Pre-General	October 24, 2008	September 17 – October 21, 2008
<input type="checkbox"/> 42-Day Post-General	December 16, 2008	October 22 – December 9, 2008
<input type="checkbox"/> Amendment to: _____		
<input type="checkbox"/> Other (specify): _____		
<input type="checkbox"/> Check if campaign had no activity for the reporting period (no other pages are required)		

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.

Jarody
Treasurer's Signature

10/21/08
Date

Jarody
Candidate's Signature

10/21/08
Date

JARODY

CANDIDATE'S FULL NAME

SCHEDULE A
CASH CONTRIBUTIONS

- Itemize all cash contributions from contributors who have given you more than \$50 in this reporting period.
- Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for every contributor who is an individual and who contributed more than \$50 in this reporting period.
- If you have requested employment information from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For cash contributions totaling \$50 or less, please enter "total of contributions \$50 or less" and the total amount on a line on this page. Once a contributor has given you more than \$50 in a reporting period, you must list that contributor separately.
- On the first report of the election cycle only, include the total of any surplus campaign funds from a previous election cycle that you are transferring to your 2008 campaign.

Total contributions from the same source (except the candidate and candidate's spouse) may NOT exceed \$250 in any election for county and legislative office. For party candidates, the primary and general elections are considered separate elections. For non-party candidates, there is only one election, the general election.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION	EMPLOYER	TYPE (use key code)	AMOUNT
9/29/2008	JARODY 164 WATER STREET APT 4 AUGUSTA, MAINE 04330	NONE	NONE	1	\$366.56

Total cash contributions (this page only) ⇒ \$366.56
(combined totals from all Schedule A pages must be listed on Schedule F, line 1)

- Key Codes:
- 1 = Candidate and Candidate's Spouse
 - 2 = Other Individuals
 - 3 = Commercial Sources (corporations, etc.)
 - 4 = Political Action Committees
 - 5 = Political Party Committees
 - 6 = Other Candidates and Committees
 - 7 = (This type not applicable to privately financed candidates.)
 - 8 = Contributors Giving \$50 or Less
 - 9 = Transfer from Previous Campaign

SCHEDULE B
EXPENDITURES

- Enter the date, payee, expenditure type, and amount for each expenditure made during the reporting period.
- For expenditure types which require a remark, enter a description of the goods and services purchased
- Expenditures made with a candidate's or an authorized individual's personal funds must be reimbursed within the same reporting period as the expenditure. Enter the vendor as the payee and the purchase date. Report the name of the individual who made the payment in the remarks section. Report goods and services purchased by others for which no reimbursement will be made as an in-kind contribution on Schedule A-1.
- Only enter expenditures that have actually been paid. Enter unpaid debts and obligations on Schedule D.

Expenditure Types Requiring <u>NO</u> Remark		Expenditure Types Which <u>REQUIRE</u> Remark	
CON	Contribution to other candidate, party, committee	CNS	Campaign consultants
FOD	Food for campaign events, volunteers	EQP	Equipment (office machines, furniture, cell phones, etc.)
LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	FND	Fundraising events
MHS	Mail house (all services purchased)	OTH	Other (bank fees, entrance fees, small tools, wood, etc.)
OFF	Office rent, utilities, phone and internet services, supplies	PRO	Other professional services
PHO	Phone banks, automated telephone calls	SAL	Campaign workers' salaries and personnel costs
POL	Polling and survey research	TRV	Travel (fuel, mileage, lodging, etc.)
POS	Postage for U.S. Mail and mail box fees		
PRT	Print media ads only (newspapers, magazines, etc.)		
RAD	Radio ads, production costs		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.		

DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code from above)	REMARK (if the expenditure type requires a remark, describe all goods and services purchased)	AMOUNT
9/29/08	VISTA PRINT	LIT	BUSINESS CARDS	\$ 92.20
10/09/08	WALMART	LIT	PAINT, PUSH PINS, PRINT BRUSHES	\$ 13.48
10/11/08	KMART	OFF	PRINTER INK	\$ 34.64
Total expenditures (this page only) =>				140.32
(combined totals from all Schedule B pages must be listed on Schedule F, line 5)				

JARODY

CANDIDATE'S FULL NAME

DATE SUBMITTED

10-21-08

SCHEDULE F
SUMMARY SCHEDULE
(PRIVATELY FINANCED CANDIDATES)

This page is required for all candidates except those checking the no activity box on the cover page of the report.

The cash balance on line 14 must match the campaign's reconciled bank account balance as of the last day of the reporting period.

CASH TRANSACTIONS THIS REPORTING PERIOD

1. CASH CONTRIBUTIONS THIS PERIOD (total of all Schedule A pages)	\$366.56
2. LOANS THIS PERIOD (Schedule C, column 2)	0
3. OTHER CASH RECEIPTS THIS PERIOD (interest, etc.)	0
4. TOTAL RECEIPTS THIS PERIOD (lines 1 + 2 + 3)	\$366.56
5. EXPENDITURES THIS PERIOD (total of all Schedule B pages)	\$140.32
6. LOAN REPAYMENTS THIS PERIOD (Schedule C, column 3)	0
7. TOTAL PAYMENTS THIS PERIOD (lines 5 + 6)	\$140.32

OTHER ACTIVITY THIS REPORTING PERIOD

8. IN-KIND CONTRIBUTIONS THIS PERIOD (total of all Schedule A-1 pages)	0
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (total all Schedule D pages)	0
10. TOTAL LOAN BALANCE AT CLOSE OF PERIOD (Schedule C, column 5)	0

CASH SUMMARY FOR PERIOD

11. CASH BALANCE AT BEGINNING OF PERIOD (Schedule F, line 14 from last report)	N/A
12. PLUS TOTAL RECEIPTS THIS PERIOD (line 4 above)	+ 366.56
13. MINUS TOTAL PAYMENTS THIS PERIOD (line 7 above)	- 140.32
14. CASH BALANCE AT END OF PERIOD (must match reconciled bank account balance)	= 226.24

KENNEBEC JOURNAL

House 57 write-in candidate is 'legitimate' candidate

KENNEBEC JOURNAL Morning Sentinel

10/23/2008

On Oct. 15, I read the House 57 profile on Pasty Crockett and an immediate red flag went up.

Reason? There was no mention of her opponent.

After I got into contact with those at the Kennebec Journal headquarters to inform them about their error, I sit looking at the e-mail I've received and shake my head. In part it reads,

"Our policy is to limit profiles only to those candidates whose names appear on the ballot. We have this policy to keep numbers manageable. Without it we could theoretically have hundreds of candidates for each seat because there is no cap on the number of people that can run as a write in. Without limits it could quickly become impossible to provide any profiles at all."

My name is Jarody and I am a write-in candidate for House District 57. I filed my declaration of write-in candidacy on Sept. 17 and I am one of only five candidates to file in this state.

I have to follow all the same campaign and election laws as my opponent does. A write-in candidacy for all legal reasons is a legitimate candidacy. The Kennebec Journal's policy doesn't seem to agree. I suggest the policy on write-in candidates be changed. Otherwise legitimate candidates will be excluded.

Jarody

Write-in candidate for District 57

Augusta

Election Ballot

Looking for Election Ballot? Find exactly what you want today.
Yahoo.com

McCain Vs Obama

Who won the debate? Vote Now.
www.personalliberty.com/

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