

## SECTION 2. PROCEDURES FOR PARTICIPATION

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4. **Qualifying Contributions**

- A. **General.** A candidate may collect qualifying contributions only during the relevant qualifying period for certification and the relevant period for additional qualifying contributions [ §§ 1122(8) and 1125(8-E)]. Qualifying contributions collected more than five days before filing a Declaration of Intent with the Commission will not be counted for any purpose. Qualifying contributions must be acknowledged by the person making the contribution and reported on forms provided by the Commission.

The forms must include:

- (1) the name, residential address and signature of the contributor;
  - (2) an affirmation by the contributor that the contribution was made with his or her personal funds, in support of the candidate and that the contributor did not receive anything of value in exchange for his or her signature and contribution;
  - (3) a clear and conspicuous statement that the candidate is collecting signatures and qualifying contributions in order to obtain public funding to finance the candidate's campaign;
  - (4) a confirmation that the contributor is a registered voter indicated by the signature of the municipal registrar or his or her designee or by the Commission's online qualifying contribution service ~~verifying the voter registration of the contributors listed on the form; and~~
  - (5) an affirmation by the person who circulated the form that the circulator collected the contribution, that to the best of the circulator's knowledge and belief the contribution came from the personal funds of the contributor, that nothing was provided to the contributor in exchange for the contribution, and any additional information required by the Commission in order to protect the reliability of the qualification process. Contributions made through the Commission's online qualifying contribution service do not require a circulator's affirmation.
- B. **Required Number of Qualifying Contributions.** A participating candidate must obtain the number of qualifying contributions for certification during the qualifying period as required by the Act [§1122(7); §1122(8); & §1125(3)].

C. **Exchanges for Qualifying Contributions Prohibited**

- (1) A candidate or an agent of that candidate may not give or offer to give a payment, gift, or anything of value in exchange for a qualifying contribution.
- (2) This provision does not prohibit a candidate or that candidate's agent from collecting qualifying contributions at events where food or beverages are served, or where campaign promotional materials are distributed, provided that the food, beverage, and campaign materials are offered to all persons attending the event regardless of whether or not particular persons make a qualifying contribution to the candidate.
- (3) This provision does not prohibit a candidate from using seed money to pay the fee for a money order provided the qualifying contributor pays the \$5 amount reflected on the money order as permitted by 21-A M.R.S.A. §1125(3).

D. **Checks Drawn on Business Accounts.** Qualifying contributions must be made with the personal funds of the contributor. The Commission will not count a check drawn from an account with a business name toward the eligibility requirements, unless the name of the contributor is included in the name of the account or the candidate submits a written statement from the contributor indicating that he or she uses the business account for personal expenses.

E. **Family Members.** Family members, domestic partners, and live-in caregivers who reside in a single household may make qualifying contributions in the form of a single check or money order of more than \$5 provided that:

- (1) all contributors sign the receipt and acknowledgement form;
- (2) all contributors are registered to vote at the address of the household; and
- (3) all contributions are made with the personal funds of the contributors.

For a qualifying contribution to be considered valid, the contributor must affirm that the contribution was made with his or her personal funds, in support of the candidate and that the contributor did not receive anything of value in exchange for his or her signature and contribution. The affirmation may not be made by a family member, domestic partner or live-in caregiver of the contributor, unless the contributor is unable to sign the form due to a physical impairment or disability.

F. **Verification of Registered Voters**

- (1) ~~Before submitting qualifying contributions to the Commission, a~~ A candidate must establish obtain verification that contributors who made qualifying contributions to that candidate are registered voters, in accordance with written procedures established by the Commission.
- (2) For qualifying contributions made by check or by money order, a candidate must obtain written verification from the Registrar(s) of Voters, or verify the contributor's voter registration using the Commission's online qualifying contribution service, as specified in the Commission's written procedures of the number of persons providing qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.
- (3) For qualifying contributions made by credit or debit card using the Commission's online service, ~~the Commission may establish an automated system by which the contributor can verify his or her voter registration based on data derived from the Central Voter Registration System. If the contributor if the service is unable to verify the voter registration of the contributor,~~ the candidate must obtain written verification from the Registrar.
- (4) Upon request of a candidate, and within 10 business days after the date of the request, the Registrar must verify the names of contributors of qualifying contributions who are registered voters within the electoral division for the office the candidate is seeking.

G. **Timing of Verification.** For purposes of this chapter, the Commission will deem verification of registered voters by the Registrar at any time during the qualifying period for certification or the relevant period for additional qualifying contributions [ §§ 1122(8) and 1125(8-E)] to be an accurate verification of voter registration even if the registration status of a particular voter may have changed at the time the Commission determines certification of the participating candidate or before the additional qualifying contribution is submitted to the Commission. Proof of voter verification submitted after the qualifying period for certification will not be accepted by the Commission and those qualifying contributions will not be counted toward the number required for certification.

H. **Online Qualifying Contribution Service.** The Commission may establish an online service for members of the public to make qualifying contributions in support of candidates seeking Maine Clean Election Act funding and for candidates to use to verify voter registration and submit contributor lists.

- (1) To make an online qualifying contribution, the contributor must use the Commission's-procedures to affirm that the contributor made a contribution from their personal funds in support of the candidate and that the contributor did not receive anything of value in exchange for his or her contribution. The affirmation and the payment must be made and submitted by the contributor and not by any other person. Assistance may be provided to a contributor in using the online service, as long as the assistance is provided in person and the contributor personally makes

the affirmation and submits the online payment. A candidate and any person collecting qualifying contributions on behalf of a candidate may not collect the required information from the contributor by phone or any means other than in-person contact, and enter it into the online service on behalf of the contributor.

(2) In order to facilitate efficient administration of the Act and the prompt payment of public campaign funding to eligible candidates, the Commission may develop an alternative method for candidates to verify the voter registration of contributors by using the Commission's online qualifying contribution service. The Commission may establish procedures for candidates to use the Commission's online service to verify voter registration and to submit lists of individuals making qualifying contributions as required in Section (3)(1)(B).

- I. **Fraudulent qualifying contributions.** If the Commission staff reasonably believes that fraudulent qualifying contributions have been submitted to the Commission, the staff shall undertake an investigation to determine whether the qualifying contributions are fraudulent. The Commission staff may request investigative assistance from the Office of the Maine Attorney General or refer the matter for possible criminal prosecution. For purposes of this chapter, "fraudulent qualifying contributions" includes, but is not limited to, asking an individual to sign a Receipt and Acknowledgement form as a contributor when the individual did not make a qualifying contribution, giving money or something of value to someone in exchange for making a qualifying contribution, making false statements in the circulator section of a Receipt and Acknowledgement form, or signing the name of another person in the contributor section of the Receipt and Acknowledgment form unless the person signing the form does so on behalf of a family member who authorizes the signature but is unable to sign due to a physical impairment or disability. Fraudulent qualifying contributions must be rejected.
- J. **Compliance by gubernatorial candidates.** Within three weeks of declaring an intention to qualify for Maine Clean Election Act funding, candidates for Governor must appoint one or more compliance officers who will oversee the collection of qualifying contributions and must submit a compliance plan for training and oversight of persons collecting qualifying contributions. The compliance plan must describe the procedures for
- (1) training the circulators who will be collecting qualifying contributions,
  - (2) minimizing the risk of error or fraud by communicating with circulators during the collection process to verify that each contributor listed in qualifying papers provided personal funds, nothing of value was provided to the contributor, and every contributor personally made the required acknowledgment by signing a paper form or completing the online procedure for making a qualifying contribution,
  - (3) the compliance officer's personal verification with each circulator that he or she complied with required procedures before the campaign's acceptance of qualifying contributions from that circulator, and

- (4) responding appropriately when receipt and acknowledgement forms have been completed erroneously or fraudulent qualifying contributions have been collected through investigating the extent of the error or fraud and taking remedial action to avoid risk of future error or fraud.
- K. **Collection of qualifying contributions by paid staff.** No person other than the candidate may compensate others for collecting qualifying contributions, except that paid staff of a party committee may provide limited assistance to a candidate pursuant to the exemption under Title 21-A M.R.S.A. § 1012(2)(B)(7)(A).
- L. **Compensating others to collect qualifying contributions.** If a candidate compensates any person for collecting qualifying contributions, the compensation must be from funds currently available to the candidate's campaign. A candidate may not agree to make payment for collection of qualifying contributions from funds not currently available but anticipated to become available upon submission of the qualifying contributions collected. A candidate may not compensate any person for collecting qualifying contributions based on the number of contributions collected by that person.
- M. **Volunteer assistance with collecting qualifying contributions.** A candidate may receive volunteer assistance from an individual with the collection of qualifying contributions. Expenses incurred by the individual for vehicle travel or other purposes may be reimbursed only by the candidate.

### SECTION 3. CERTIFICATION OF PARTICIPATING CANDIDATES

1. **Request for Certification.** A participating candidate may submit a completed request for certification to the Commission at any time during the qualifying period but not later than 5:00 p.m. on the last day of the relevant qualifying period. The Commission may develop written procedures consistent with this section for candidates to submit qualifying contributions and related materials to facilitate the efficient payment of initial public campaign funding. The request will be deemed complete and considered for certification only when the candidate has submitted to the Commission:
- A. the qualifying contributions attached to the corresponding original receipt and acknowledgement forms with confirmation of the contributors' voter registration and the receipt and acknowledgement forms for any qualifying contributions collected on the Commission's online qualifying contribution service ~~that have been verified by the Registrar(s) of the electoral division for the office the candidate is seeking;~~
- B. a list of all individuals making qualifying contributions and their town or city of residence, in a format specified by the Commission sorted alphabetically by the contributor's last name;
- C. *[Repealed.]*
- D. a seed money report of contributions, expenditures, and obligations made or incurred after becoming a candidate, including a report of any unspent seed money; and

- E. a signed request for certification on a form provided by the Commission which contains an affirmation by the candidate that he or she has complied with all seed money and qualifying contribution requirements, has established a separate federally-insured bank account for campaign purposes and, if applicable, that any person who circulated receipt and acknowledgement forms and collected qualifying contributions acted with the candidate's knowledge and consent, and any other information relevant to the certification process.
- F. A candidate may request an extension of time to comply with paragraphs ~~B, D, and E~~. The Commission staff shall grant all reasonable requests or state in writing the reasons for denying the request. The Commission and the Commission staff may not grant an extension of time to comply with paragraphs A, B and E.
2. **Order of Review.** The Commission will review candidate requests for certification in the order in which they are received, except that it will give priority to those candidates who are in a contested primary election.
3. **Unspent Seed Money.** In order to distribute funds expeditiously, the Commission will deduct from the initial distribution from the Fund to a certified candidate an amount equal to the amount of unspent seed money reported by that candidate.
4. **Certification.** The Commission will certify a candidate as a Maine Clean Election Act candidate upon the participating candidate's satisfaction of the requirements of the Act and this chapter.
5. **Appeals.** Any appeals challenging a certification decision by the Commission must be in accordance with the Act [§1125(14)].

## SECTION 6. DISTRIBUTION OF SUPPLEMENTAL FUNDS

A certified candidate may be eligible to receive payments of supplemental funds in the amounts established in 21-A M.R.S.A. §§ 1125(8-B) – (8-D) and at the times established in 21-A M.R.S.A. §§ 1125(7-B) & (8-E). To receive a distribution of supplemental funds, a certified candidate must submit to the Commission additional qualifying contributions in compliance with the requirements of 21-A M.R.S.A. § 1125(8-E) and this section. The Commission shall develop written procedures for candidates to submit additional qualifying contributions, lists of contributors, and related materials to facilitate efficient and orderly payments of supplemental funds.

1. **Additional Qualifying Contributions.** Each submission of additional qualifying contributions must include the following documents:
- A. The additional qualifying contributions attached to the corresponding original receipt and acknowledgement forms with confirmation of the contributors' voter registration according to procedures established by the Commission that have been verified by the Registrar(s) of the electoral division for the office the candidate is seeking and the receipt and acknowledgement forms for any additional qualifying contributions collected on the Commission's online qualifying contribution service.

- B. A list of the first and last names of all individuals making additional qualifying contributions, the individual's town or city of residence, the date of the submission of the additional qualifying contribution to the Commission, and a notation indicating all additional qualifying contributions collected on the Commission's online qualifying contribution service.
- (1) The list must include all additional qualifying contributions being submitted and must be sorted alphabetically by last name.
  - (2) The list must be provided to the Commission according to procedures established in an electronic format specified by the Commission, such as Microsoft Excel. ~~The Commission may develop online software for candidates to provide contributor names and for the Commission to notify candidates of numbers of qualifying contributions that count toward supplemental payments.~~
- C. A completed submission form provided by the Commission.

A submission of additional qualifying contributions will not be considered complete and will not be reviewed by the Commission unless the submission includes all the required documents.

2. **Payment of Supplemental Funds.** Within three business days of certifying that a certified candidate has submitted the required number of valid additional qualifying contributions to be eligible to receive a payment of supplemental funds under the Act [ §§ 1125(8-B) – (8-D)], the Commission will authorize a payment of supplemental funds in an amount based on number of valid additional qualifying contributions.