



Minutes of the May 11, 2022 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William J. Schneider, Esq., Chair; and Dennis R. Marble, David R. Hastings, Esq.; Sarah LeClaire, Esq.; and Stacey D. Neumann, Esq. participated via Zoom.

Staff: Jonathan Wayne, Executive Director; Jonathan R. Bolton, AAG; and Erin Gordon, Candidate Registrar.

Commissioner Schneider convened the meeting at 10:00 a.m., which was livestreamed via YouTube.

The Commission considered the following appeals of determinations by the Commission staff denying candidates Maine Clean Election Act funding. These hearings were conducted in accordance with the Administrative Procedure Act, 5 M.R.S. §§ 9051-9063; the Maine Clean Election Act, 21-A M.R.S. §1125(14); and the Ethics Commission Rules, Chapter 2. The candidates in these cases have the burden of proving that the determination by the Commission staff was in error as a matter of law or was based on factual error.

1. Appeal of Staff Determination on Maine Clean Election Act Funding – Tiffany Estabrook

Mr. Wayne explained that Ms. Estabrook is a candidate for State House District 75 and appealed a determination by the Commission staff that she did not collect sufficient valid qualifying contributions to receive Maine Clean Election Act (MCEA) funding. As a House candidate she must obtain 60 qualifying contributions (QCs) during the qualifying period from registered voters in her district. The qualifying period ended at 5:00 p.m. on April 20, 2022. Although the candidate had 76 QCs on her list electronically submitted to the Commission, staff determined that only 52 of those were valid because three were duplicates, ten were missing cash QC affirmation forms, and eleven were unverified voters.

Mr. Wayne stated it is the responsibility of the candidate to provide voter verification of their contributors, and to contact Commission staff with any questions or clarifications they need about the process. Mr. Wayne provided background information about the online QC service, how it attempts to verify voter information, and errors that can prevent verification and require a candidate to print off a list of unverified voters for the town clerk to review. The QC service can

verify voters 90-95% of the time, if contributors' names and addresses are entered accurately. The QC process has had a huge paperwork reduction benefit and is a time savings for candidates. Ms. Estabrook testified that 28% of homes in her town of Chesterville do not have internet, and many people in Maine do not have or choose not to use electronic devices. To file QCs electronically should be an either-or option for candidates. As a first-time candidate she was given the form by other candidates and it wasn't until she gave a \$5 QC to another candidate did she become aware that a cash QC affirmation form was required. She also stated that she didn't receive a hardcopy of the MCEA Guidebook, which limited her knowledge of the process. She went on to say that the Commission should consider an introduction meeting on Zoom that would help auditory and visual learners learn how the MCEA process works.

Mr. Schneider moved to deny Tiffany Estabrook's request for appeal. Mr. Marble seconded the motion. Motion passed 5-0.

2. Appeal of Staff Determination on MCEA Funding – Jason Desjardins

Mr. Wayne stated that Mr. Desjardins is a candidate for House District 50 and appealed a determination by the Commission staff that he did not collect sufficient qualifying contributions to receive MCEA funding. As a House candidate he must obtain 60 qualifying contributions (QCs) during the qualifying period from registered voters in his district. The qualifying period ended at 5:00 p.m. on April 20, 2022. The candidate submitted the names of 78 QCs on his list electronically submitted to the Commission. Staff found that only 58 were valid - 18 were not verified voters, and two were disqualified because the Receipt & Acknowledgement and Cash Qualifying Affirmation forms were signed by someone other than the contributor.

Mr. Wayne reiterated his comments about the guidance provided to MCEA candidates throughout the qualifying period concerning how to verify contributors' voter registration.

Mr. Desjardins testified that people were denied on his list who were approved as MCEA QCs for other candidates living at the same address, which doesn't make sense why they wouldn't have been verified this time around. Second, he pointed to an April 14th email that he understood that the status of his QCs was pending and that he was all set. Third, he was unable to download and print off the Receipt and Acknowledgement forms to take his forms to the town clerk. Finally, the two contributors whose spouses signed for them were unable to do so due to physical disability. He knew this was allowed under the rules and allowed them to sign.

Mr. Schneider made a motion to approve Mr. Desjardins' request for appeal because he testified under oath that a person other than the contributor signed in two instances due to physical disability or impairment, and that by allowing those two contributions, met the threshold to be certified as an MCEA candidate. Ms. Neumann seconded the motion. Motion passed 5-0.

Other Business

None.

Adjournment

The meeting adjourned at 12:59 p.m.

Respectfully submitted,
/s/ Jonathan Wayne
Jonathan Wayne, Executive Director