



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

To: Commission
From: Commission Staff
Date: September 25, 2025
Re: Petition by 2026 Gubernatorial Candidate Kenneth Capron to Remain Eligible for
Maine Clean Election Act Funding

Factual Information

Role of seed money. Candidates seeking to qualify for Maine Clean Election Act (MCEA) funding agree to certain restrictions on their receipts and spending in return for receiving public campaign funds. Prior to qualifying for MCEA funding, they are allowed to receive and spend only seed money contributions. The idea of seed money is that it allows candidates to conduct campaign activities prior to qualifying for public campaign funds, including the collection of \$5 qualifying contributions

Restrictions on seed money. Seed money contributions are donations of cash or goods or services from individuals with a value that does not exceed a maximum amount per contributor. Through September 23, 2025, an individual could give no more than \$100 in seed money to any MCEA candidate. Beginning on September 24, 2025, the seed money maximum was increased to \$250 per donor for gubernatorial candidates. They are allowed to collect up to a total of \$200,000 in seed money.

Kenneth Capron's hiring of Kaplan Strategies. Kenneth Capron is a 2026 Republican candidate for Governor who is seeking MCEA funding. To qualify for MCEA funding, he will need to collect 3,200 qualifying contributions of \$5 during the 5½ month "qualifying period" of October 15, 2025 to April 1, 2026. He will also need to qualify for the ballot by collecting signatures on nominating petitions.

In spring of 2025, Mr. Capron became interested in retaining Doug Kaplan, a political consultant in Florida who does business as Kaplan Strategies. Around July 2, 2025, they made an oral agreement for \$5,000 worth of services. A full range of services was discussed and there was no written agreement specifying which services were covered by the \$5,000 in fees. At the very least, Mr. Kaplan was expected to provide one poll and a campaign website, which would contain a donations page (referred to by Mr. Capron as a "pay portal").

Mr. Capron believed the services proposed by Doug Kaplan would be a good deal. In particular, he wanted to receive an online pay portal that he could use to collect seed money contributions. Kaplan Strategies required a payment of \$2,000 to start the

work. Mr. Capron asked Candidate Registrar Lorrie Brann multiple times if he could use \$2,000 of his own money to pay a vendor for a website. Each time, she replied that he could not because he could contribute no more than \$100 to his campaign.

On July 2, 2025, Mr. Capron paid \$2,000 to Kaplan Strategies, which the candidate characterized as a “personal guarantee.” In a meeting today, he said he did this to assure Doug Kaplan that the consultant would receive payment even if Mr. Capron failed to meet his goals for collecting seed money. He described the payment as analogous to giving cash to a bank in the course of borrowing money. He viewed the personal money he provided Kaplan Strategies as external to his campaign, and therefore not a contribution or expenditure.

Kaplan Strategies conducted one poll for Mr. Capron. In addition, it created a campaign website for Mr. Capron, www.kc4me.com. The website is operating now although Mr. Capron is not fully satisfied and the parties have not arrived at a mutually acceptable solution. Kaplan Strategies also created a pay portal (donation webpage), which can be found at <https://kc4me.com/donate-to-the-campaign/>. Mr. Capron has paid another \$500 to Kaplan Strategies, for a total of \$2,500.

Previous Campaigns

Kenneth Capron is an experienced candidate. He qualified for MCEA funding as a candidate for House in 2008 and 2010. He registered with our office as a candidate in subsequent years, as summarized in the chart below, which is based on records in our eFiling system. Mr. Capron did not qualify for the ballot as a candidate for Governor in 2018 or 2022.

Election Year	Office Registered For	Method of financing campaign	Qualify for the ballot?
2008	House District 116	MCEA	Yes
2010	House District 116	MCEA	Yes
2018	Governor	Traditional contributions	No
2022	Governor	Traditional contributions (after not qualifying for MCEA)	No
2022	Senate District #27	Traditional contributions (after not qualifying for MCEA)	Yes, for primary
2024	Senate District #27	Traditional contributions	Yes, for primary

Mr. Capron's Petition to Remain Eligible for MCEA Funds

On September 17, 2025, Candidate Registrar Lorrie Brann learned of the candidate's July 2, 2025 payment of \$2,000 to Kaplan Strategies. Ms. Brann and the Commission's Executive Director agreed that this appeared to be a seed money violation. On Friday, September 19, Ms. Brann asked the candidate to submit a petition to remain eligible for MCEA funding. He filed the attached request on the morning of September 22, 2025. Today, the staff is transmitting this memo to him by email and priority mail to convey our view. He is invited to submit anything supplemental that he would like.

Applicable Law

Qualifying for MCEA Funding

To qualify for MCEA funding, a candidate must collect 3,200 qualifying contributions from registered voters in Maine during a qualifying period. 21-A M.R.S. § 1125(3)(D)(1). For the 2026 elections, the qualifying period for gubernatorial candidates will be October 15, 2025 to April 1, 2026. 21-A M.R.S. § 1122(8). The candidate must also qualify for the ballot by collecting the required number of signatures on petitions. 21-A M.R.S. § 1125(5)(C).

When a candidate submits their qualifying materials for MCEA funding, the Commission's executive director is directed to determine whether the candidate has complied with a number of requirements, including whether the candidate has met all seed money restrictions. 21-A M.R.S. § 1125(5)(D).

Seed Money Restrictions

Prior to qualifying for public campaign funds, a candidate may only receive and spend seed money contributions, which has been defined as:

a contribution of no more than \$100 per individual made to a participating candidate, including the candidate or the candidate's spouse or domestic partner.

21-A M.R.S. § 1122(9). The definition is explicit that the \$100 maximum applies to a contribution from the candidate. Beginning on September 24, 2025, a new law took effect permitting candidates for Governor to collect up to \$250 in seed money contributions from an individual. P.L. 2025, ch. 296. The maximum for legislative candidates remains at \$100 per donor.

The full seed money restrictions are set out in one subsection of statute:

2-A. Seed money restrictions. To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in subsection 8-F.

21-A M.R.S. § 1125(2-A)

Seeking an Exception or Waiver of Seed Money Restrictions

Candidates seeking to qualify for MCEA funding sometimes make mistakes in the collection or spending of seed money. The seed money statute allows a candidate to petition the Commission to remain eligible for MCEA funding if the candidate's non-compliance with seed money requirements was unintentional and does not constitute a significant infraction:

A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

21-A M.R.S. § 1125(2-A)(B). In this memo, the Commission staff refers to this procedure as a request for an exception or waiver, even though those terms are not used in the statute.

The Commission has adopted a rule listing criteria for when the Commission may grant an exception for a candidate's unintentional non-compliance with seed money restrictions:

F. Case-by-Case Exception. A participating candidate who has accepted contributions or made expenditures that do not comply with seed money restrictions may petition the Commission to remain eligible for certification as a Maine Clean Election Act candidate. The Commission may approve the petition and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:

- (1) the failure to comply was the result of an unintentional error;
- (2) the candidate immediately returned all contributions that did not comply with seed money restrictions or paid for goods or services contributed that did not comply with seed money restrictions;
- (3) the candidate petitioned the Commission promptly upon becoming aware of the unintentional error; and
- (4) the failure to comply did not involve expenditures by the participating candidate significantly in excess of seed money total amount restrictions or otherwise constitute systematic or significant infractions of seed money restrictions.

94-270 C.M.R. ch. 3, § 2(3)(F).

Definition of Contribution

In Maine Election Law, the definition of "contribution" includes, in part: A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office

21-A M.R.S. § 1012(2)(A)(1). The Commission's rules further define in-kind contribution as follows:

Unless specifically exempted under Title 21-A M.R.S.A. §§ 1012 and 1052 or this section, the provision of any goods or services without charge or at a charge that is less than the usual and customary charge for such goods or services is an in-kind contribution. Examples of such goods and services include, but are not limited to: equipment, facilities, supplies, personnel, advertising, and campaign literature. If goods or services are provided at less than the usual and customary charge, the amount of the in-kind contribution is the difference between the usual and customary charge and the amount charged the candidate or political committee. ...
94-270 C.M.R. ch. 1, § 6(4).

Loans

The definition of contribution includes a “loan” or “advance” of money. 21-A M.R.S. § 1012(2)(A)(1). The Commission’s rules confirm that “[a] loan is a contribution at the time it is made unless the loan was made by a financial institution in the State of Maine in the ordinary course of business.” 94-270 C.M.R. ch. 1, § 6(2).

Staff Recommendations

As noted above, to qualify for MCEA funding, a candidate needs to collect and submit to the Commission 3,200 valid qualifying contributions during the qualifying period of October 15, 2025 to April 1, 2026. After that, the candidate will receive MCEA funds only if the Commission’s executive director determines that the candidate has met a list of MCEA requirements, including complying with seed money restrictions. 21-A M.R.S. § 1125(5)(D).

If a candidate has made a mistake that violates the seed money restrictions, the seed money statute permits the candidate to petition to remain eligible for MCEA funding “if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.” 21-A M.R.S. § 1125(2-A)(B). The Commission adopted a rule setting out specific criteria for making that determination. 94-270 C.M.R. ch. 3, § 2(3)(F).

Most requests by candidates for a waiver or exception of the seed money requirements are made by the Commission staff without referral to the Commission. The circumstances usually involve small violations that were unintentional. For example, a candidate for the House may have accidentally collected total seed money contributions that exceed the \$1,000 total by \$50 or \$100 or the candidate forgot to account for a \$30 payment for bank checks. In the case of Mr. Capron, Commission staff recommend that the Commission, rather than staff, make the determination so that Mr. Capron receives a

determination on his MCEA eligibility before the qualifying period begins on October 15, 2025.

Recommendation: find that the payment of \$2,000 violated seed money requirements

We recommend finding that Mr. Capron violated the seed money restrictions in 21-A M.R.S. § 1125(2-A) in two respects, discussed below.

Violation #1: paying for services with funds other than seed money. The seed money statute provides that: “All goods and services received prior to certification must be paid for with seed money contributions 21-A M.R.S. § 1125(2-A)(A) (underlining added). Commission staff believe Mr. Capron violated this restriction because he received services from Kaplan Strategies and paid for those services with money other than seed money contributions. Specifically, he paid for the development of the kc4me.com website, a donation webpage, and a poll with \$2,000 of his personal funds.

Mr. Capron may have characterized the \$2,000 he paid to Kaplan Strategies as a personal guarantee, but it was effectively a payment for services. The candidate wanted a poll, website, and pay portal, so he paid \$2,000 to the vendor. As long as the vendor performs the services, the vendor keeps the money. Mr. Capron confirmed this in his correspondence to the Commission (“If Kaplan provides the services [as] agreed, they get to keep the deposit.”) We have received no indication Doug Kaplan treated the \$2,000 as anything other than a normal receipt for services. This is not analogous to a situation in which a borrower provides an asset to a lender which the lender can access only if the borrower defaults on making payments.

Violation #2: receiving a contribution over \$100. “To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification.” 21-A M.R.S. § 1125(2-A) (underlining added). Commission staff believe Mr. Capron received an in-kind contribution with a value of \$2,000 from himself, which is outside the definition of seed money.

A contribution is defined to include: “[a] gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office” 21-A M.R.S. § 1012(2)(A)(1). In this case, Mr. Capron gave himself website development and polling services with a value significantly greater than \$100 for the purpose of supporting his nomination and election. Thus, he collected a contribution other than seed money from himself.

Mr. Capron submits that the transaction was not a contribution because no money flowed through his campaign bank account. That is often the case with in-kind

contributions: a source pays money to somebody else to provide a benefit to the campaign. The campaign has received non-monetary asset (here, a poll and a website) even though its bank account was not part of the transaction.

Recommendation: Mr. Capron is ineligible for MCEA funding

The seed money statute and Commission rules authorize the Commission to grant an exception for a seed money violation “if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.” 21-A M.R.S. § 1125(2-A)(B); 94-270 C.M.R. ch. 3, § 2(3)(F)(4). The Commission staff recommends not granting Mr. Capron’s request because both of his violations are substantial in terms of dollar amounts.

The seed money statute requires all goods and services received prior to qualifying for MCEA funding be paid for with \$100 seed money contributions. In this case, Mr. Capron paid for services with \$2,000 from his personal funds, which is 20 times the seed money maximum. He also received a contribution of website and polling services from himself with a value that is significantly greater than \$100. In terms of dollar amounts (\$2,000 compared to \$100), these are substantial violations. Therefore, the Commission recommends determining that Mr. Capron is ineligible for MCEA funding. If the Commission reaches this determination, Mr. Capron would still have the option of running for Governor through collecting traditional campaign contributions.

Fairness and policy concerns

Expectations should be high for gubernatorial candidates. Candidates for Governor who qualify for MCEA funding may receive between \$1.4 and \$4 million. They should be held to a high degree of compliance with legal requirements. Mr. Capron has qualified twice for MCEA funding and attempted to receive MCEA funding in two other election years. He is a retired certified public accountant and systems engineer. He should be expected to learn the requirements of the program and ask follow-up questions if there are ambiguities. The candidate asked Ms. Brann multiple times if he could use \$2,000 to pay a vendor that wanted \$2,000 for a website, and she replied he could not.

Policy views. Mr. Capron has commented a number of times that the seed money requirements are too restrictive for gubernatorial candidates seeking MCEA funds. The candidate’s point of view may have some validity as a matter of policy. Nevertheless, candidates and the Commission need to follow the law that is in effect today.

Petition to MCEA Commission to remain eligible under MCEA
Kenneth A Capron for Governor

Thank you for this information. Based on the information provided, Commission staff have concluded that your 7/2/2025 payment of \$2,000 to Kaplan Strategies appears to violate the seed money restrictions in [21-A M.R.S. § 1125\(2-A\)](#) because you used funds other than seed money to pay for services received prior to qualifying for public campaign funds and received a contribution that exceeded the seed money restrictions.

If you would like to remain eligible for Maine Clean Election Act funding, you may submit a written request to the Commission for an exception under [Chapter 3, section 2\(3\)\(F\)](#) of our rules:

Chapter 3: MAINE CLEAN ELECTION ACT AND RELATED PROVISIONS
SECTION 2. PROCEDURES FOR PARTICIPATION

3. Seed Money Restrictions

F. Case-by-Case Exception. A participating candidate who has accepted contributions or made expenditures that do not comply with seed money restrictions may petition the Commission to remain eligible for certification as a Maine Clean Election Act candidate. The Commission may approve the petition and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:

(1) the failure to comply was the result of an unintentional error;

This situation occurred because of my/our confusion over classification of a personal guarantee versus an "expenditure". As with any business transaction involving a personal guarantee, the guarantee is not usually considered an expenditure no matter how you define it. In this case there's a Campaign entity and a personal entity. It doesn't seem problematic for one to guarantee the other – although it could have been placed in a holding account and reduced as services were provided from the Campaign account.

(2) the candidate immediately returned all contributions that did not comply with seed money restrictions or paid for goods or services contributed that did not comply with seed money restrictions;

The one transaction in question, for the amount of \$2000, was intended to be a personal guarantee in the case that the Campaign did not raise enough seed money to cover the package of services being negotiated/acquired. Return of those funds would be directly to the candidate who is/was the source of the funds. Return of said funds would merely put the Campaign in a deficit position until more seed money can be obtained. The donation of \$2000 prevented that deficit then and now.

I am not clear as to the rules for personal guarantees. I did discuss the term "debt" with Ms. Brann but still don't understand that concept as opposed to a loan or other term as she described it.

I am glad to return the funds to myself but that would have to occur after raising more seed funds in order to prevent the deficit. Kaplan, the Payee, is committed to provide services until the end of the campaign. However, we are on hold currently due to a dispute over the

quality of work on the website. We have yet to determine what happens going forward. However, as already indicated by the subsequent transaction of \$500 was paid from available seed funds to Kaplan.

Please note that the \$2000 in question was half of my personal net assets.

(3) the candidate petitioned the Commission promptly upon becoming aware of the unintentional error; and

This petition is being submitted within a week of official notice which I believe to be timely.

(4) the failure to comply did not involve expenditures by the participating candidate significantly in excess of seed money total amount restrictions or otherwise constitute systematic or significant infractions of seed money restrictions.

I did not and do not consider the payment to Kaplan as an “expenditure” as opposed to a “deposit” as a personal guarantee. If Kaplan provides the services agreed, they get to keep the deposit. If not, then some alternate resolution will need to be developed.

I do wish to remain in the MCEA process. This was a one-time item which I suspect most MCEA candidates wrestle with – how to launch a campaign with such limited funds as a \$100 self-donation. That restriction resembles a “which came first – the chicken or the egg” or “the campaign or the contribution”. I hate to suggest it but I would assert that MCEA would better serve its mission of helping people with limited funds have a dog in this or any race. As is, any snag along the way becomes a financial roadblock.

Kenneth A Capron

9/20/2025

Selected Statutes

Title 21-A: ELECTIONS

Chapter 13: CAMPAIGN REPORTS AND FINANCES

§ 1012. Definitions

2. Contribution. The term "contribution:"

A. Includes:

(1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included

3. Expenditure. The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

§1015. Limitations on contributions and expenditures

5. Other contributions and expenditures. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents is considered to be a contribution to that candidate.

§ 1015-B. Donations to an individual considering whether to become a candidate

If an individual receives funds, goods or services for the purpose of deciding whether to become a candidate, the funds, goods or services may not exceed the limitations in [section 1015, subsections 1](#) and [2-B](#). The individual shall keep an account of such funds, goods or services received and all payments and obligations incurred in deciding whether to become a candidate. If the individual becomes a candidate, the funds, goods and services received are contributions and the payments and obligations are expenditures. The candidate shall disclose the contributions and expenditures in the first report filed by the candidate or the candidate's authorized campaign committee, in accordance with the commission's procedures.

Title 21-A: ELECTIONS

Chapter 14: THE MAINE CLEAN ELECTION ACT

§ 1122. Definitions

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins October 15th immediately preceding the election year and ends at 5:00 p.m. on April 1st of the election year.

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on April 20th of that election year or the next business day following April 20th if the office of the commission is closed on April 20th.

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a participating candidate, including the candidate or the candidate's spouse or domestic partner.

§1125. Terms of participation

2-A. Seed money restrictions. To be eligible for certification, a participating candidate may collect and spend only seed money contributions subsequent to becoming a candidate and prior to certification. A participating candidate may not solicit, accept or collect seed money contributions after certification as a Maine Clean Election Act candidate.

A. All goods and services received prior to certification must be paid for with seed money contributions, except for goods and services that are excluded from the definition of contribution in [section 1012, subsection 2, paragraph B](#). It is a violation of this chapter for a certified candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures that do not comply with the seed money restrictions under this chapter may petition the commission to remain eligible for certification as a Maine Clean Election Act candidate in accordance with rules of the

commission, if the failure to comply was unintentional and does not constitute a significant infraction of these restrictions.

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in [subsection 8-F](#). ...

5. Certification of Maine Clean Election Act candidates. Upon receipt of a final submittal of qualifying contributions by a participating candidate, the executive director of the commission shall determine whether the candidate has:

A. Signed and filed a declaration of intent to participate in this Act;

B. Submitted the appropriate number of valid qualifying contributions;

C. Qualified as a candidate by petition or other means no later than 5 business days after the end of the qualifying period;

C-1.

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions;

D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year;

D-2. Not been found to have made a material false statement in a report or other document submitted to the commission;

D-3. Not otherwise substantially violated the provisions of this chapter or [chapter 13](#);

D-4. Not failed to pay any civil penalty assessed by the commission under this Title, except that a candidate has 3 business days from the date of the request for certification to pay the outstanding penalty and remain eligible for certification;

D-5. Not submitted any fraudulent qualifying contributions or any falsified acknowledgement forms for qualifying contributions or seed money contributions; and

E. Otherwise met the requirements for participation in this Act.

The executive director shall certify a candidate complying with the requirements of this section as a Maine Clean Election Act candidate as soon as possible after final

submittal of qualifying contributions and other supporting documents required under subsection 4 but no later than 3 business days for legislative candidates and 5 business days for gubernatorial candidates. The executive director may take additional time if further investigation is necessary to verify compliance with this Act as long as the commission notifies the candidate regarding the anticipated schedule for conclusion of the investigation. A candidate or other interested person may appeal the decision of the executive director to the members of the commission in accordance with subsection 14.

A certified candidate must comply with all requirements of this Act after certification and throughout the primary and general election periods. Failure to do so is a violation of this chapter.

94-270 RULES, COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Chapter 1: PROCEDURES

SECTION 6. CONTRIBUTIONS AND OTHER RECEIPTS

2. A loan is a contribution at the time it is made unless the loan was made by a financial institution in the State of Maine in the ordinary course of business. Loans continue to be contributions until they are repaid. Loans are subject to the candidate contribution limitations, except for loans made by the candidate, the candidate's spouse, or a financial institution in the State of Maine in the ordinary course of business. The Commission may consider any reported loan to be a cash contribution if it remains unpaid four years after the election in which it was incurred. ...

4. Unless specifically exempted under Title 21-A M.R.S.A. §§ 1012 and 1052 or this section, the provision of any goods or services without charge or at a charge that is less than the usual and customary charge for such goods or services is an in-kind contribution. Examples of such goods and services include, but are not limited to: equipment, facilities, supplies, personnel, advertising, and campaign literature. If goods or services are provided at less than the usual and customary charge, the amount of the in-kind contribution is the difference between the usual and customary charge and the amount charged the candidate or political committee.
 - A. A commercial vendor that has provided a discount to a candidate or political committee because of a defect in performance or other business reason has not made a contribution if the vendor grants substantially similar discounts to other customers in the ordinary course of the vendor's business.

 - B. If a candidate is a public official who is provided a vehicle for transportation by a public entity for the purpose of conducting official duties, the use of such vehicle for campaign purposes is considered to be an in-kind contribution to the candidate from the public entity unless the candidate reimburses the public entity for the use of the vehicle.

94-270 **RULES, COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES**

Chapter 3: MAINE CLEAN ELECTION ACT AND RELATED PROVISIONS

SECTION 2. PROCEDURES FOR PARTICIPATION

3. Seed Money Restrictions

- F. **Case-by-Case Exception.** A participating candidate who has accepted contributions or made expenditures that do not comply with seed money restrictions may petition the Commission to remain eligible for certification as a *Maine Clean Election Act* candidate. The Commission may approve the petition and restore a candidate's eligibility for certification if the candidate successfully establishes all of the following criteria:
- (1) the failure to comply was the result of an unintentional error;
 - (2) the candidate immediately returned all contributions that did not comply with seed money restrictions or paid for goods or services contributed that did not comply with seed money restrictions;
 - (3) the candidate petitioned the Commission promptly upon becoming aware of the unintentional error; and
 - (4) the failure to comply did not involve expenditures by the participating candidate significantly in excess of seed money total amount restrictions or otherwise constitute systematic or significant infractions of seed money restrictions.
- G. **Loans during qualifying period.** After becoming a candidate and prior to certification, accepting a loan from any source including a financial institution and spending money received in the form of a loan, are violations of the seed money restrictions of the Act.