



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

April 27, 2022

By E-Mail and Regular Mail

Ms. Patricia E. Kidder
4 Carpenter Street
Springvale, ME 04083-1109

Dear Ms. Kidder:

The staff of the Maine Commission on Governmental Ethics and Election Practices (“the Commission”) has completed its review of your request for Maine Clean Election Act (MCEA) funding as a candidate for State Representative. We determined you submitted 64 valid qualifying contributions (QCs). Nevertheless, because you did not submit the Request for Certification form, which is required under the Commission’s procedures and rules, we cannot certify that you meet the legal requirements to qualify for MCEA funding. You may appeal this staff determination to the members of the Commission who would hold a hearing to consider your appeal, as discussed in Section III.

I. Legal Requirements for MCEA Funding

Duty to Collect 60 QCs

Candidates for the Maine House of Representatives must obtain QCs during the qualifying period from at least 60 verified registered voters from the candidate’s House district. 21-A M.R.S. § 1125(3)(D)(3). A QC is defined as a donation:

- A. Of \$5 or more in the form of cash, a check or a money order payable to the fund and signed by the contributor in support of a candidate or made over the Internet in support of a candidate according to the procedure established by the commission;

B. Made by a registered voter within the electoral division for the office a candidate is seeking and whose voter registration has been verified according to procedures established by the commission;

C. Made during the designated qualifying period; and

D. That the contributor acknowledges was made with the contributor's personal funds and in support of the candidate and was not given in exchange for anything of value and that the candidate acknowledges was obtained with the candidate's knowledge and approval and that nothing of value was given in exchange for the contribution, on forms provided by the commission.

21-A M.R.S. §§ 1122(7)(A)-(D).

Required Documentation of QCs

In order for a QC made by check, cash, or money order to be valid, the contributor must sign a Receipt & Acknowledgement form to affirm they made the contribution with personal funds. 21-A M.R.S. §§ 1122(7)(D) & 1125(3-B). For QCs given by cash, the MCEA requires contributors to "sign a form prepared by the commission affirming that the contributor made the contribution with personal funds." 21-A M.R.S § 1125(3)(F).

Deadline to Submit QCs, Voter Registration Verifications, and Receipt & Acknowledgement Forms by 5:00 p.m. on April 20, 2022

The MCEA directs candidates to submit the required qualifying materials to the Commission during the qualifying period:

A participating candidate must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration and a seed money report to the commission during the qualifying period *according to procedures developed by the commission*"

21-A M.R.S. § 1125(4) (italics added). For candidates for the State House of Representatives, the qualifying period ends at 5:00 p.m. on April 20th of the election year. 21-A M.R.S § 1122(8)(B). Under the Commission Rules, the Commission and its staff

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may not grant extensions for a candidate to submit the QCs and verifications of voter registration. 94-270 C.M.R. ch. 3, § 3(1)(F).

Due to the COVID pandemic, during 2022 the Commission authorized candidates to submit qualifying materials by mail provided they were postmarked by the deadline of April 20, 2022. On April 1, 2022, Candidate Registrar Erin Gordon sent to all MCEA candidates instructions on how to submit the materials by mail and a checklist of materials to include.

Request for Certification Form

The Commission's rules contain a provision setting out the procedures for how a candidate requests MCEA funding. 94-270 C.M.R. ch. 3, § 3(1). Paragraphs 1(A) through 1(E) list the required qualifying materials that candidates must submit.

Paragraph 1(E) states that the application must include the Request for Certification form:

The request will be deemed complete and considered for certification only when the candidate has submitted to the Commission: ...

- 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.

94-270 C.M.R. ch. 3, § 3(1)(E). The rule specifically states that "[t]he Commission and the Commission staff may not grant an extension of time" to submit the request for certification form. 94-270 C.M.R. ch. 3, § 3(1)(F).

II. Determination by Commission Staff

You mailed your MCEA qualifying materials to us on the deadline of April 20, 2022. We received and date-stamped them Friday, April 22, and began reviewing them for compliance on Monday, April 25. You submitted 65 QCs. Candidate Registrar Emma Burke determined that 64 of the QCs met the legal requirements for certification as an MCEA candidate. One QC was found to be invalid, because no Cash Qualifying Contribution Affirmation form was submitted for the contribution from Theresa Parsons.

The Commission staff is unable to view your application as complete, however, because it did not contain a signed Request for Certification form that is required by 94-270 C.M.R. ch. 3, § 3(1)(E). The rule, which is binding on the Commission staff, explicitly states that the application “will be deemed complete ... only when the candidate has submitted” the Request for Certification form. The rule also directs the Commission not to grant extensions to submit the Request for Certification form.

The Request for Certification form serves a few different functions in the Commission’s procedures for MCEA candidates. The form:

- lists the qualifying materials that a candidate needs to submit,
- contains affirmations by the candidate that they have complied with program procedures that promote the integrity of the program, and
- facilitates a request by the candidate for additional time to file a seed money report, as allowed by the Commission’s rules.

In this year’s elections, the Commission staff has attempted to educate candidates to file the Request for Certification form through different methods. Page 14 of the 2022 MCEA Candidate Guidebook instructs candidates to submit the form no later than 5:00 pm on April 20, 2022. (attached) On April 1, 2022, Candidate Registrar Erin Gordon emailed the request to certification form and a checklist of materials as a single PDF to all candidates seeking MCEA funding, along with mailing instructions. (attached) The

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form was posted on the Forms and Guides page for MCEA candidates on the Commission's website. Leading up to the certification deadline, the staff set out the form in a prominent place in our lobby.

Because Chapter 3, section 3(1) of the Commission's rules requires candidates to submit the Request for Certification form as part of their application for MCEA funding and you did not submit the form, the Commission staff is denying your request for MCEA funding.

III. Your Right to Appeal

You have a right to appeal the staff determination to the members of the Commission, pursuant to 21-A M.R.S. § 1125(14). If you wish to do so, please submit the appeal, in writing, *within seven days*, addressed to:

William A. Lee III, Chair
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

You may file the appeal through U.S. Mail or other delivery service, by hand, or by email addressed to Jonathan.Wayne@maine.gov. The Commission is required to hold a hearing to consider the appeal within five calendar days of receiving the appeal. The hearing would be held in accordance with the State Administrative Procedure Act (5 M.R.S. §§ 8001-11008). You would have the burden of proving that the Commission staff's decision was in error as a matter of law or was based on factual error. The

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Commission must rule on the appeal within five business days after the hearing. I am happy to answer any questions concerning the Commission staff's determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

Jonathan Wayne

Executive Director

2022 Candidate Guidebook

Running for Office in Maine

Maine Clean Election Act Legislative Candidates





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CHAPTER 4

Requesting MCEA Certification & Initial Payment of Public Campaign Funds

REQUESTING CERTIFICATION AS AN MCEA CANDIDATE

Certification Request & Deadline. After a candidate has collected the required number of valid QCs, the next step is to request certification by submitting the QCs along with the R&A Forms and the other required documents (see chart on the next page) to the Commission. The Commission staff carefully reviews all requests and determines if all requirements have been met. A request for certification must be submitted to the Commission no later than 5:00 p.m. on April 20, 2022.

To qualify for MCEA funding, the treasurer must file a Seed Money Report, and the campaign must submit the list of QC contributors and a Request for Certification Form. The Commission's Rules permit Commission staff to grant a one week extension for submitting the Seed Money Report; the extension request is at the bottom of the Request for Certification Form. The Commission has no authority to grant an extension to submit R&A Forms and QCs. Late submissions will not be accepted for review.

Requesting Certification		
	QCs (Required)	Seed Money Max (Optional)
House	60	\$1,000
Senate	175	\$3,000

Submit Checks/Money Orders & R&A Forms. No later than 5:00 p.m. on April 20, 2022, a candidate must submit at least the minimum number of valid QCs, the original R&A Forms, and system-generated R&A Forms signed by municipal clerks. Checks, Cash QC Affirmation slips, and both bulk and individual money orders must be paper-clipped to their corresponding R&A Forms. Commission staff recommends submitting at least 10% more than the required number of QCs in the event some are invalid.

Submit List of Contributors. A candidate must submit to the Commission, via the Commission's online QC service, a list of individuals who gave QCs to the campaign. The list must include all of the QC contributors the candidate wishes to submit for certification. Lists must be submitted by using the online QC service. The service uses the information on the R&A Form (name, address, and municipality) to determine voter registration status, and adds all valid QCs to a master submission list with any online QCs received in that period of time. The generated list can be downloaded and printed, but Commission staff will also be able to access the list through their own administrative portal. The list must be submitted to the Commission via the online QC service by 5:00 p.m. on April 20th for the QCs to be counted as valid.

File Seed Money Report. The Seed Money Report discloses all seed money contributions received and expenditures made by a campaign. Candidates and treasurers should carefully review seed money



2022 REQUEST FOR CERTIFICATION AS AN MCEA CANDIDATE – REQUIRED DOCUMENTATION

Submit the following documents no later than 5:00 p.m. on April 20, 2022:

Request for Certification Form	Completed and signed form.	
QCs and R&A Forms	<p>For QCs received <u>by check, cash, or money order</u>, submit:</p> <ul style="list-style-type: none"> • <u>Original, signed</u> R&A Forms • Checks/money orders clipped to <u>original corresponding</u> R&A Forms • Cash QC Affirmation Forms clipped to <u>original corresponding</u> R&A Forms • <u>System-generated R&A Forms</u> verified by the municipal clerks (if necessary) <p>For QCs collected <u>online</u>, submit:</p> <ul style="list-style-type: none"> • <u>System-generated R&A Forms</u> verified by the municipal clerks (if necessary) 	<p><u>No time extensions permitted.</u></p> <p>QCs and R&A Forms submitted late will not be accepted for certification purposes.</p>
List of QC Contributors	Submitted electronically after entering all QC contributors' information into the online QC service; must contain all contributors the candidates wishes to be considered toward certification.	<p>No time extensions permitted. Lists submitted late will not be accepted for certification purposes</p>
Seed Money Report	Completed and filed report.	One week extension permitted

contributions and expenditures to make sure they are reported accurately, and there was no overspending. The Seed Money Report, like all other campaign finance reports, is filed electronically on the Commission's eFiling website. See Chapter 10 for more information on filing reports.

Request for Certification Form. This form is a candidate's signed agreement to comply with the requirements of the MCEA and the Commission's Rules. It is also a checklist for the materials they must submit for certification. A candidate may also use this form to request an extension of time to file the Seed Money Report.

Notice to Unenrolled Candidates:
MCEA participants must be qualified for the ballot in order to be certified and receive funding. Unenrolled candidates are required to file ballot petitions and be qualified with the Secretary of State's office no later than April 27, 2022 if they wish to participate in the MCEA program.

From: Gordon, Erin <Erin.Gordon@maine.gov>
Sent: Friday, April 1, 2022 11:57
Cc: Burke, Emma <Emma.Burke@maine.gov>
Subject: How to Request MCEA Certification

Good afternoon Candidates,

The deadline to request MCEA certification is approaching, April 20, 2022. We have attached to this email a Request for Certification form and a checklist that you can use as you prepare your materials for submission. While many candidates choose to drop their submission packet off in person, we are also including a PDF with mailing instructions if you would rather submit your packet that way; mailed submissions must be postmarked no later than April 20, 2022 to be accepted.

You will use the online QC site at www.maine.gov/cleanelections to check the voter registration status of all your in-person contributors. The Seed Money Report will be filed at www.mainecampaignfinance.com. Please ensure that you and your treasurer can log into those sites and contact us as soon as possible if you have trouble.

As always, if you have any questions, do not hesitate to reach out to your assigned Candidate Registrar.

Erin Gordon, Candidate Registrar
House Districts 1-76 | Senate Districts 1-17
(207) 287-3651 | erin.gordon@maine.gov

Emma Burke, Candidate Registrar
House Districts 77-151 | Senate Districts 18-35
(207) 287-4727 | emma.burke@maine.gov

135 State House Station, Augusta, ME 04333-0135
45 Memorial Circle, Augusta, ME



2022 REQUEST FOR CERTIFICATION As a Maine Clean Election Act Candidate for the Legislature

**CERTIFICATION DEADLINE:
April 20, 2022 by 5:00 P.M.**

**Seed Money
Deadline Extension?**

(Initial if extension requested)

Candidate's Name: _____

Office Sought: House Senate District #: _____

Party: Democrat Green-Independent Republican Unenrolled

With this request, you must submit:

- At least the minimum number of qualifying contributions (QCs)
 - 60 for House candidates | 175 for Senate candidates
- The original Receipt & Acknowledgment Forms
 - Checks, money orders, and Cash QC Affirmation Forms must be clipped to the corresponding Receipt & Acknowledgement Forms (**do not use staples**)
- Voter registration verification for all qualifying contributions
 - All QC contributors who contributed via check, cash, or money order must be entered into the Commission's online QC service. Once all contributors are added, the list of contributors must be submitted via the service to the Commission. At this point, the service will attempt to verify the voter registrations of all the contributors.
 - For any contributors whose voter registrations the service cannot verify, system-generated Receipt & Acknowledgement Forms must be printed and taken to the appropriate municipal clerks for verification. Those verified forms must be submitted to the Commission by the deadline.
- A list of QC contributors submitted via the Commission's online QC service
 - The only acceptable method for submitting the required list of QC contributors is through the Commission's online QC service. Lists in other formats will not be accepted. The list of QC contributors must be submitted through the service by 5:00 p.m. on April 20, 2022.
- A filed Seed Money Report
 - An extension of up to one-week for filing the Seed Money Report may be requested. See box in top right corner of this form. The Commission approves all reasonable extension requests.

I hereby request to be certified as a Maine Clean Election Act candidate. I agree to comply with all requirements of the Act and the Commission's rules. I have:

- Signed and filed a Declaration of Intent to participate in the Maine Clean Election Act;
- Qualified as a candidate by petition or other means (and confirmed by the Secretary of State's Office);
- Complied with seed money restrictions and otherwise met the requirements for participation in the Maine Clean Election Act;
- Read the Commission's guidelines on permissible campaign-related expenditures;
- Established a separate campaign account at a financial institution; and
- Confirmed any person who circulated my Receipt and Acknowledgement Forms and collected QCs did so with my knowledge and consent.

Candidate's Signature: _____ Date: _____

2022 MCEA Certification: Submission Packet Check List

In order to ensure a complete submission, please use the following checklist to carefully evaluate your materials before submitting them to the Commission. If you have questions during this process, please contact your assigned Candidate Registrar and they will be happy to talk you through the components.

Before submitting your materials, check if:

- All contributors' names and addresses have been entered from the Receipt & Acknowledgment Forms into the "Manage/Enter..." function on the QC site (www.maine.gov/cleanelections) to create the **List of Contributors**; *and* you have submitted the list to the Commission using the button at the bottom of the page
- You have at least the minimum number of **Qualifying Contributions (QCs)** (60 for House, 175 for Senate); we recommend submitting more than the required number in case some are not valid
- The **Seed Money Report** has been filed by your treasurer, or you have requested an extension by checking the box on the **Request for Certification Form** and emailing your assigned Candidate Registrar

Materials required in your submission packet:

- Receipt & Acknowledgment Forms**
 - All forms are the originally signed documents (not photocopies)
 - Each circulator section has been signed and dated by the circulator
 - The original clerk-signed printed Receipt & Acknowledgement Form PDFs for contributors whose voter registration was *not* verified by the online QC service
- Checks and Cash QC Affirmation Forms**
 - All Cash QC Affirmation Forms are signed by the contributor, dated, and are the original documents
 - All checks have been signed by the contributor
 - All checks and Cash QC Affirmation Forms are attached by **paper clip** to the corresponding Receipt & Acknowledgment Forms (absolutely do not staple)
- Bulk Money Order**
 - If you collected cash QCs, you must submit a money order or bank check in the amount of cash collected as QCs, written to the MCEF
- A signed **Request for Certification Form** (included)



STATE OF MAINE
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AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: 2022 Maine Clean Election Act Candidates
From: Ethics Commission Staff
Date: March 30, 2022
Re: Instructions for Mailing Qualifying Contributions

Dear 2022 MCEA Candidate:

When you are ready to submit your qualifying contribution (QC) packets this year you may hand-deliver it to the Ethics office or mail it. If you choose to mail your QC packet, please follow the instructions in this memo exactly to make sure your QC package is sent on time and in the proper format:

- **All packages must be postmarked by April 20, 2022 for them to be considered as submitted on time, regardless of when the package arrives.**
- You can mail your QC packages using the United States Postal Service or FedEx. We recommend using one of the following shipping options: USPS Priority Mail Flat Rate Envelope or USPS Priority Mail Medium Flat Rate Box. Please be sure to request tracking for your package, retain the tracking number, and email your Candidate Registrar your tracking number before 5:00 p.m. on April 20, 2022.
- Address your package to the following address:

Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135
- You may pay for the cost of shipping and tracking the package with seed money or with personal funds. Using personal funds does not constitute an in-kind contribution to your campaign.

Please feel free to contact your Candidate Registrar if you have any questions, and remember to email your Candidate Registrar with your tracking number before 5:00 p.m. on April 21, 2020:

Emma Burke
(207) 287-4727
emma.burke@maine.gov

Erin Gordon
(207) 287-3651
erin.gordon@maine.gov