



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

EXHIBIT
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June 3, 2020

By E-Mail and Regular Mail

Cynthia Soma-Hernandez
PO Box 353
N. Anson, Maine 04958

Dear Ms. Soma-Hernandez:

The staff of the Maine Commission on Governmental Ethics and Election Practices (the Commission) has completed its review of your request for certification as a Maine Clean Election Act (MCEA) candidate. We determined that you submitted 59 valid qualifying contributions (QCs), which is less than the 60 required to receive MCEA funding. You have an opportunity to appeal this staff determination to the members of the Commission, as discussed in Section III.

I. Legal Requirements for MCEA Funding

Deadline to Submit QCs, Voter Registration Verifications, and Receipt & Acknowledgement Forms by 5:00 p.m. on May 19, 2020

To qualify for MCEA funding, candidates for the Maine House of Representatives must collect 60 valid QCs. 21-A M.R.S. § 1125(3)(D)(3). The contributors are required to acknowledge on forms prepared by the Commission that they made the QCs with personal funds in support of the candidate and received nothing of value in exchange for making the contribution. 21-A M.R.S. §§ 1122(7)(D) & 1125(3-B).

The candidate "must submit qualifying contributions, receipt and acknowledgement forms, proof of verification of voter registration ... during the qualifying period according to procedures developed by the commission ..." 21-A M.R.S. § 1125(4). For candidates for the State House of Representatives, the statutory qualifying period ends at 5:00 p.m. on April 20th of the election year. 21-A M.R.S. § 1122(8)(B). This year, Governor Janet T. Mills extended the qualifying period by Executive Order to May 19, 2020.

Under Chapter 3, Section (3)(1)(F) of the Commission Rules, the Commission and its staff may not grant extensions for a candidate to submit Receipt & Acknowledgement Forms.

Requirement to Submit Original Documents

The Commission's rules set forth the requirements for requesting certification as a MCEA candidate. Under Chapter 3, Section (3)(1)(A), the request is considered complete if it contains "the qualifying contributions attached to the corresponding original receipt and acknowledgment forms with confirmation of the contributors' voter registration..." (underscoring added) The requirement that all forms for certification be original is set out in the Commission's guidance materials for 2020 MCEA candidates, including the quick guide, the guidebook, and the submission packet checklist.

Requirement to Obtain Verification of Registered Voters

Candidates are required by the Commission's rules to verify the voter registration of the contributors. Under Chapter 3, Section (2)(4)(F)(2), "[f]or 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..." Candidate Registrar Erin Gordon, with the understanding that many town offices are currently closed or difficult to access, and mindful of the May 19 deadline, offered to verify contributors as necessary in an attempt to successfully process your certification.

II. Determination by Commission Staff

When your verified Receipt & Acknowledgement Forms were delivered to the Commission on Thursday, May 22nd (postmarked May 19th), you believed you were submitting 81 QCs. During its review, Commission staff identified an additional six QCs and added them for consideration for a total submitted number of 87. The Commission staff has determined that 28 QCs were invalid, and that you submitted a total number of 59 valid QCs.

Duplicate Entries in Contributor List (2)

Two contributors were entered twice in the contributor list submitted to the Commission through the Commission's online QC service: Sheila Dellarma and Kristen Stewart. Each of these contributors gave only one QC.

Contribution Missing (2)

Mark Tolman and Gary Cromwell signed Receipt & Acknowledgement Forms but no \$5 contributions for them were included with the submission. A money order was submitted with Gary Cromwell's name printed on it, but the signature on the money order does not match Mr. Cromwell's signature on the Receipt & Acknowledgement Form. Someone other than the contributor signed the money order.

Receipt & Acknowledgement Form Not Original Copy (4)

Jeddie Brown, Rick Dexter, Steve Patenaude, and Duke Smith all donated QCs by cash and signed corresponding individual money orders. We received a Receipt & Acknowledgement Form signed by the contributors and four signed money orders. The portion of the Receipt & Acknowledgement Form signed by these contributors is a photocopy, which does not satisfy the requirement for original materials.

Contributors Not Verified as Registered Voters (20)

At time of submission, 38 of the contributors manually entered by the candidate into the online QC site were not verified as registered voters. Ms. Gordon attempted to match these entries with records in the State's Central Voter Registry (CVR), verifying first those contributors with minor typos in their names or addresses, and then those who had changed addresses but remained in the candidate's district. Ms. Gordon was able to verify that 18 of the contributors were registered to vote. She was unable to find voter registration records for the other 20 contributors and could not verify them as registered voters:

Albee	Haley	558 RIVER RD	Anson
Ames	Angel	134 CARRABASSETT RD	Anson
Bruneau	Cody	77 MAIN ST	Anson
French	Michael	150 RIVER RD	Anson
Gilbert	David	134 CARRABASSETT RD	Anson
Gilbert	Gertrude	134 CARRABASSETT RD	Anson

McLaughlin	Joseph	314 SOLON RD	Anson
Norman	Arthur	215 EMBDEN POND RD	Anson
Norris	David	73 MAIN ST	Anson
Smith	Makayla	77 MAIN ST	Anson
Stewart	Kristen	11 PINE ST	Anson
Stryska	Kathy	60 CHURCH ST	Anson
Walther	Erika	34 TOWN FARM RD	Anson
White	Isaiah	73 MAIN ST	Anson
White	David	3013 SUGAR RDG	Carrabassett Valley
Johnson	Kyle	72 LEMON STREAM RD	New Portland
Sylvester	Heidi	779 MAYHEW RD	Starks
Carter	Renee	703 Horseback	Anson
White	Heather	93 Main	N. Anson
Partridge	Abigail	240 Anson Valley	Anson

Ms. Gordon also could not verify the voter registration status for five contributors whose QCs who were rejected above for other reasons: Jeddie Brown, Rick Dexter, Steve Patenaude, Duke Smith, and Gary Cromwell. Their QCs are therefore invalid for two reasons.

Thus, the Commission staff determined that your campaign submitted 59 valid QCs.

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

The Commission is required to hold a hearing to consider the appeal within five calendar days of receiving the appeal. We might ask for your flexibility in scheduling the hearing outside the five-day period. 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 Commission must rule on the appeal within five

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business days after the hearing. I am happy to answer any questions you may have 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 "W".

Jonathan Wayne
Executive Director