



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

To: Commission
From: Jonathan Wayne, Executive Director
Date: May 2, 2022
Re: Materials for Appeal by Kathleen Shaw – Maine Clean Election Act Funding

We have attached the materials relating to the appeal by Kathleen Shaw of the staff determination denying him Maine Clean Election Act funding.

They include a staff memo that provides the Commission with background information on the Maine Clean Election Act program and qualification procedures, along with attachments that include forms, guidance materials, and Commission statutes and rules. We intend that the staff memo and attachments be incorporated into the materials for the appeals by the other candidates scheduled for May 6.

Thank you for your consideration of this memo.



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To: Commission
From: Jonathan Wayne, Executive Director
Date: May 2, 2022
Re: Overview of the Maine Clean Election Act and Qualification Procedures

The Maine Clean Election Act (“MCEA”) was enacted in a 1996 citizen initiative to provide for a voluntary system of public campaign financing for candidates for Governor and the Legislature. The Commission has been administering the MCEA since the 2000 elections. The program is intended as a system of full public campaign financing. Once a candidate qualifies, they are forbidden from accepting any cash or in-kind contributions.

Candidates qualify for the public funding by demonstrating a threshold of political support through collecting \$5 qualifying contributions (“QCs”) and submitting them to the Commission during a qualifying period. In 2022, the qualifying period for legislative candidates was January 1 to April 20, 2022. The Commission staff reviews the candidate’s qualifying materials and determines whether we can certify that the candidate has met the requirements to receive MCEA funding. We refer to this process as “certification.”

If you have questions about our procedures after reading this memo, Candidate Registrars Emma Burke and Erin Gordon will be available at the May 6, 2022 appeal hearings.

Public Funding Available

Once a candidate has qualified for MCEA funding, they receive initial payments for the primary and general elections. (Candidates in an opposed primary election receive a higher level of funding for the primary.) Following a 2015 citizen initiative, candidates have been able to continue collecting “additional qualifying contributions” through mid-October to qualify for up to eight supplemental payments of MCEA funds.

Most legislative candidates are eligible to receive roughly these amounts:

	Total of Initial Payments for the Primary and General Elections	Maximum Funding (initial payments plus 8 supplemental payments)
House	\$6,025 (60 QCs)	\$17,025 (180 QCs)
Senate	\$24,025 (175 QCs)	\$67,825 (535 QCs)

Recent Participation in the MCEA Program

Participating in the MCEA program requires administrative work in collecting and documenting the QCs, but the majority of candidates find it accessible. Most election years, 98% of the candidates who submit qualifying materials to the Commission receive MCEA funding.

Statistics about candidates' participation are attached. ETH 1-2. In the last three general elections (2016-2020), an average of 208 legislative candidates participated in the MCEA program. This represented an average of 58% of legislative candidates in the general election.

Role of Commission Staff in Reviewing Applications for MCEA Funding

The Commission staff closely examines the QCs and accompanying documentation to verify whether the candidate has submitted a sufficient number of QCs that meet legal requirements to qualify for MCEA funding. This work is conducted by the Commission's two Candidate Registrars under considerable time pressure. Once a candidate's application is complete, the Commission staff is required by law to make a determination within three business days. Around the April 20 certification deadline, the two Candidate Registrars examine roughly 20,000 QCs and related paperwork.

When reviewing candidates' requests for MCEA funding, the Commission staff acts as a referee. Our job is to review each submission neutrally. It is imperative that we apply legal requirements equally to all candidates. If we make exceptions or accommodations for one or two candidates, we must extend those exceptions and accommodations to all

candidates during that election year. Public dollars are at stake. Our job is to make sure that the correct amount of public funds are paid to each candidate.

Initial Step in the Process: Filing a Declaration of Intent Form

The MCEA requires candidates seeking MCEA funding to file a Declaration of Intent (“DOI”) form with the Commission. 21-A M.R.S. § 1125(1). By signing the form (attached), the candidate affirms they understand and will comply with some of the basic elements of the program. ETH-5. The form is designed for a candidate to file with the Commission at the beginning of the qualification process. The statute specifies that QCs collected more than five business days before filing the DOI are not valid. 21-A M.R.S. § 1125(1). ETH-30.

Collecting Qualifying Contributions

A qualifying contribution (“QC”) is a payment of \$5 or more made by a registered voter from the personal funds of the contributor in support of a candidate. 21-A M.R.S. § 1122(7). ETH-30. For legislative candidates, the contributor must be registered in the candidate’s House or Senate district. The contribution must be made with the personal funds of the contributor, and not from any other source.¹ The contributor may not receive anything of value in return for making the QC.

The payment may be made by check, cash, money order, or credit card.² The candidates do not spend the QCs. Rather, the QCs are made payable to the Maine Clean Election Fund. The candidates submit the QCs to the Commission, which deposits them in a special revenue account of the state government from which we pay candidates. If a candidate collects QCs in cash, the candidate must convert the cash to a money order which the candidate submits to the Commission.

¹ The program requires that QCs be accompanied by documentation, discussed below, that is intended to ensure that QCs meet legal requirements and are not fraudulent.

² Registered Maine voters may make a QC online through a website developed by the Commission. The contributor inputs all information and makes the required affirmation online, as discussed below.

Minimum Number of QCs Required for MCEA Funding

To qualify to participate in the program, a candidate must collect a minimum number QCs:

	Minimum Required for Certification
House	60
Senate	175

ETH-32. The Commission staff recommends candidates collect more than the minimum number of QCs, in case that Commission staff finds that some are invalid due to mistakes by candidates or contributors. We recommend House candidates collect 60-70 QCs, and Senate candidates collect 200 QCs.

Required Acknowledgement by the Contributor

One element in the statutory definition of a QC is that the contributor must acknowledge that they made the contribution with their personal funds in support of the candidate and was not given anything of value in exchange for making the contribution. 21-A M.R.S. § 1122(7)(D). ETH-30.

The Commission is directed by statute to create a Receipt & Acknowledgement (“R&A”) form for this purpose. 21-A M.R.S. § 1125(3-B). ETH-33. The R&A form (attached at ETH-6) serves an important function in verifying that the contributor knowingly made a QC in support of the candidate with their personal funds. The law states that a QC is not valid if someone other than the contributor signs the contributor’s name to the R&A form:

A qualifying contribution is not valid if anyone other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

21-A M.R.S. § 1125(3-B). ETH-33. The Commission’s written guidance specifically states that family members may not sign the R&A form for their relatives unless the contributor is impaired or disabled. ETH 20-21.

Additional Form Required for QCs made by Cash

If the QC is made in cash, the contributor must sign an additional form affirming that he or she made the QC in cash. 21-A M.R.S. § 1125(3)(F). ETH-32. The Commission proposed this requirement because our experience indicated that the R&A form was a necessary but not always sufficient tool to prevent fraud in the qualification process. Although rare, some candidates, or overzealous supporters, have convinced people to sign the R&A form even though they did not make a payment of \$5. Consequently, the Commission developed a supplementary form with a short, simple affirmation that the signatory made a QC in cash. A copy of this “Cash QC Affirmation form,” which is now required by statute, is attached for your reference. ETH-7. 21-A M.R.S. § 1125(3)(F). ETH-32.

Verification of Voter Registration – QCs made by Check, Cash, or Money Order

Under the statutory definition of a QC, the contributor’s voter registration must be verified by the candidate “according to procedures established by the commission.” 21-A M.R.S. § 1122(7). Since the MCEA program first began operating in 2000, it has been the candidate’s responsibility to prove that the contributors are registered to vote in the candidate’s district. Because our two Candidate Registrars must examine roughly 20,000 QCs during the certification process, they simply do not have time to independently verify voters’ registration status. The candidates need to use their own initiative and perform this task themselves.

Beginning in the 2020 elections, the Commission modified its procedures for candidates to verify their contributors’ voter registration, which we believe has significantly reduced the workload for candidates. It is now a two-step process:

- 1) The candidate enters the names and addresses of contributors who have made a QC by check, cash or money order in an online QC service developed by the Commission (www.maine.gov/cleanelections). The system attempts to verify whether the contributor is registered to vote by comparing the names and addresses as entered by the candidate to data from the state’s central voter registry. Around 90% - 95% of the time, the service can find a match.

- 2) If the service is unable to verify the contributors are registered to vote, the candidate must print out electronic versions of the R&A form and take them to municipal clerks to verify the contributors are registered to vote. An example of this form is attached as ETH-8.

These procedures are described in the 2022 MCEA Candidate Guidebook (attached). ETH-21. They are also summarized in the Commission's 2022 Quick Guide for MCEA candidates. ETH-27.

QCs by Credit or Debit Card

The Commission's online QC service (www.maine.gov/cleanelections) has another function. Maine residents may use the website to make QCs online with a credit or debit card. To make a QC, a contributor enters their name and address, selects the candidate(s) they wish to support, and makes an online affirmation that they made the contribution with their own personal funds by typing their name in a text box just below the language of the affirmation. The Commission's rules specify that this online affirmation must be made by the contributor, and not any other person. 94-270 C.M.R. ch. 3, § 2(4)(H)(1)).

The service attempts to verify that the contributor is registered to vote by matching the name and address as entered by the contributor to the state's Central Voter Registration system. If the system cannot verify the contributor's voter registration, the candidate must print out forms to bring to the municipal clerks for verification that the online contributors are registered to vote. For candidates who have email addresses for actual or potential supporters, this service can significantly reduce the amount of time and paperwork needed to qualify for MCEA funding.

Request for Certification Form

The Commission developed a Request for Certification form to be submitted by candidates with their application for MCEA funding. ETH-9. 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.³

In the Commission’s rule setting out how candidates submit their qualifying materials, 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). ETH-50.

Submission of Qualifying Materials during the Qualifying Period

The MCEA states that “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, except as provided under [the Commission’s rulemaking authority].” 21-A M.R.S. § 1125(4). For legislative candidates, the qualifying period ends at 5:00 p.m. on April 20 of the election year. 21-A M.R.S. § 1122(8)(B).

³ In addition to collecting QCs, candidates have the option of soliciting limited donations from individuals (up to \$100 per donor), in order to have some campaign funds available to them prior to qualifying for MCEA funding. The candidates must submit a campaign finance report of the seed money collected and spent within one week of requesting certification. House candidates may collect up to \$1,000 in seed money and Senate candidates may collect up to \$3,000.

The Commission has adopted a rule stating that candidates may submit a complete application “not later than 5:00 p.m. on the last day of the qualifying period.” 94-270 C.M.R. ch. 3, § 3(1). For maximum clarity, the rule specifically states that “the Commission and the Commission staff may not grant an extension of time” to submit the QCs, R&A forms, the list of QCs, and the Request for Certification form. 94-270 C.M.R. ch. 3, § 3(1). ETH-50. The only part of the application that is authorized to be submitted late is the seed money report.

The procedures for submitting a request for certification are set out on pages 13-14 of the 2022 Candidate Guidebook. ETH 22-23. They are also summarized in a checklist (ETH-11) that Candidate Registrar Erin Gordon emailed on April 1, 2022 to all candidates seeking MCEA funding. Candidates were required to take the following steps by 5:00 p.m. on April 20:

- enter the names and addresses of all contributors in the Commission’s online QC service, which results in a list of contributions that will be reviewed by the Commission staff,
- deliver to the Commission:
 1. QCs made by check, cash, or money orders (if the candidates have received QCs by cash, they must convert those to a money order for submission to our office),
 2. R&A forms signed by contributors who made a QC by check, cash, or money order,
 3. Cash QC affirmation forms (if QCs have been received in cash)
 4. forms signed by the municipal clerks for any contributors whose voter registration has not been verified by our online QC service, and
 5. the Request for Certification form.

Because of public health considerations in 2020 and 2022, the Commission staff permitted candidates to mail the materials to the Commission provided that they were postmarked by April 20.

Candidates' Ability to Fix Mistakes

The Commission examines the QCs and supporting documents submitted by candidates to verify that they meet the relevant legal requirements to be counted toward the threshold of 60 or 175 QCs. If a candidate or a contributor has made a mistake that results in a QC failing to meet a legal requirement, we consider the QC to be invalid. We see these defects regularly:

- a contributor is not registered to vote in the candidate's legislative district, or the candidate has not provided proof of the contributor's voter registration,
- a contributor has given more than one QC,
- the candidate's submission does not include a Cash QC Affirmation form or an R&A form,
- the submission is missing a check or money order for a QC, or
- someone other than the contributor has signed the R&A form or the Cash QC Affirmation form.

Through the 2016 elections, if a candidate was close to meeting the 60 or 175 threshold, the Commission staff would allow the candidate to fix certain mistakes *after* the April 20 certification deadline so that they could participate in the program. This policy of allowing some mistakes to be fixed but not others, was pursuant to a staff policy that had developed over time but was not in written form. We re-evaluated this policy after it was criticized by legal counsel in a 2016 MCEA appeal hearing as promoting unequal application of the law.

Consequently, for the 2018 elections and since, the Commission staff has adopted a policy of not allowing *any* after-deadline fixes of invalid QCs for purposes of determining whether or not to certify a candidate. The policy is attached for your reference. ETH 12-16. We presented it to the Commission at public meetings on November 30, 2017 and March 30, 2022.⁴

⁴ The only post-deadline remedy that we accept is a supplemental explanation of a \$5 check in the name of a business, such as "Susan Brown Piano Tuning." If the candidate would like to provide an email or other note from the contributor documenting that they use this account for personal expenses, we will accept that. This correction amounts to accepting a supplemental explanation from a contributor, rather than fixing a mistake.

Sources of Guidance for Candidates

Trainings and one-on-one advice. In Maine, the political parties and/or legislative caucuses employ people to advise legislative candidates about how to campaign and finance their campaigns. Our staff has sometimes been asked to participate in these trainings, but not in 2020 and 2022.

The Commission staff is available to help with one-on-one advice concerning the MCEA program, including about how to collect and document QCs. Our two Candidate Registrars are available to talk in person, by zoom, or phone. This requires a candidate to take the initiative, however. We do not require candidates to undergo any particular training. Many MCEA candidates have participated in the program previously and mandatory training would be unnecessary.

Written guidance from the Commission (attached).

- *2022 Quick Guide for MCEA Candidates.* This is a concise overview of the MCEA program, consisting of seven laminated sheets within a folder. ETH-27-28.
- *2022 Guidebook for MCEA Candidates.* The Commission has also published a guidebook for legislative candidates seeking MCEA funding in 2022. The guidebook is longer, but the process for collecting QCs is only four pages long. ETH 18-21. The procedures for submitting qualifying materials are two pages long. ETH 22-23.
- *Checklist.* On April 1, 2022, Candidate Registrar Erin Gordon distributed by email a checklist of qualifying materials to submit by 5:00 p.m. on April 20, along with a Request for Certification. ETH-10-11.
- *Commission website.* The 2022 Quick Guide and Guidebook are posted on the Commission's website.

Thank you for your consideration of this memo.

Maine Clean Election Act Overview 2004 - 2020

◆ PARTICIPATION BY LEGISLATIVE CANDIDATES

	MCEA Candidates in General Election	Total Candidates in General Election	Percentage of MCEA Candidates
2004	308	391	78%
2006	313	386	81%
2008	303	373	81%
2010	295	385	77%
2012	242	384	63%
2014	199	378	53%
2016	227	357	64%
2018	206	373	55%
2020	192	348	55%

◆ PARTICIPATION BY ELECTED LEGISLATORS

	Percentage of Legislators Who Participated in the MCEA
122nd Legislature	78%
123rd Legislature	84%
124th Legislature	85%
125th Legislature	80%
126th Legislature	70%
127th Legislature	58%
128th Legislature	64%
129th Legislature	63%
130th Legislature	59%

◆ RATE OF PARTICIPATION BY POLITICAL CAUCUS

	2012	2014	2016	2018	2020
House (D)	82% (117/143)	77% (105/137)	80% (115/143)	77% (107/139)	71% (96/135)
House (R)	41% (61/148)	22% (32/144)	45% (60/134)	27% (37/138)	32% (40/126)
Senate (D)	88% (29/33)	80% (28/35)	79% (27/33)	86% (31/36)	74% (26/35)
Senate (R)	68% (23/34)	43% (15/35)	56% (19/34)	56% (18/32)	67% (22/33)
Green, Unenrolled	46% (12/26)	63% (19/30)	54% (7/13)	46% (13/28)	42% (8/19)

◆ PARTICIPATION BY CANDIDATES FOR GOVERNOR

	MCEA Candidates in Primary Election Only	MCEA Candidates in General Election
2002	James Libby (R)	Jonathan Carter (G)
2006	Peter Mills (R)	Barbara Merrill (U) Chandler Woodcock (R) Pat LaMarche (G)
2010	Patrick McGowan (D) Peter Mills (R)	Elizabeth Mitchell (D)
2014	Gubernatorial Program Suspended for 2014	
2018	Garrett Paul Mason (R) Elizabeth Sweet (D)	Teresea Hayes (U)

◆ TOTAL PAYMENTS TO MCEA CANDIDATES*

Election Year	Legislative	Gubernatorial	Total
2000	\$965,608	N/A	\$965,608
2002	\$2,088,899	\$1,216,669	\$3,305,568
2004	\$2,799,617	N/A	\$2,799,617
2006	\$3,347,775	\$3,534,615	\$6,882,390
2008	\$2,954,035	N/A	\$2,954,035
2010	\$3,301,006	\$2,999,774	\$6,300,780
2012	\$2,102,850	N/A	\$2,102,850
2014	\$1,990,380	N/A	\$1,990,380
2016	\$3,344,830	N/A	\$3,344,830
2018	\$3,552,017	\$2,723,011	\$6,275,028
2020	\$3,868,858	N/A	\$3,868,858

*Payment totals are amounts that candidates were authorized to spend (before any return of unspent funds).

◆ FUNDING LEVELS FOR MCEA CANDIDATES IN THE 2020 GENERAL ELECTION

	Basic Payment Only	1 Supp. Payment	2 Supp. Payments	3 Supp. Payments	4 Supp. Payments	5 Supp. Payments	6 Supp. Payments	7 Supp. Payments	8 Supp. Payments
HOUSE CANDIDATES per level (Total candidates = 144)	29	28	14	14	17	9	9	7	17
Amount per candidate	\$5,300	\$6,625	\$7,950	\$9,275	\$10,600	\$11,925	\$13,250	\$14,575	\$15,900
Total amount per level	\$124,048	\$185,498	\$111,300	\$129,850	\$180,200	\$107,325	\$119,250	\$102,025	\$270,300
SENATE CANDIDATES per level (Total candidates = 48)	5	5	3	7	6	3	2	2	15
Amount per candidate	\$21,175	\$25,100	\$30,175	\$35,250	\$40,325	\$45,400	\$50,475	\$55,550	\$60,625
Total amount per level	\$91,047	\$132,371	\$95,304	\$259,525	\$254,250	\$143,025	\$105,950	\$116,550	\$953,625
Total payments to House candidates for the general election	Total payments to Senate candidates for the general election		Total payments to all MCEA candidates for the general election						
\$1,329,795.53	\$2,151,646.07		\$3,481,441.60						

Note: All MCEA candidates in the 2020 general election received a basic payment for the general election. Some replacement candidates and all unopposed candidates received basic payments that were less than the amounts indicated above. Candidates in contested races were eligible for up to eight supplemental ("Supp.") payments. Unopposed candidates were not eligible for supplemental payments.



2022 CANDIDATE REGISTRATION

Notice: Changes to registration information must be filed within 10 days in writing or by email to the Commission.

Is this an amendment? Yes No

1. CANDIDATE INFORMATION			
Financing Type:		<input type="checkbox"/> Maine Clean Election Act (MCEA)	<input type="checkbox"/> Traditionally Financed
Title (optional): <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Mx. <input type="checkbox"/> Dr. <input type="checkbox"/> Hon.	Gender (optional): <input type="checkbox"/> F <input type="checkbox"/> M <input type="checkbox"/> X	Party Affiliation:	Office Sought & District Number:
Name: First	MI or Middle Name	Last	
<u>Mailing Address:</u>			Public Phone:
City:	ZIP Code:	Alternate Phone (<i>Commission use only</i>):	
Email (Required):			

2. TREASURER INFORMATION			
Name: First	MI or Middle Name	Last	Phone:
<u>Mailing Address:</u>			
City:	ZIP Code:	Email (Required):	

DESIGNATION OF TREASURER: A candidate for office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and for filing reports. A MCEA candidate may serve as treasure for no more than 14 days following the date of registration.
 21-A MRSA §§ 1013-A and 1125(12-A))

2A. DEPUTY TREASURER INFORMATION (optional)			
Name: First	MI or Middle Name	Last	Phone:
<u>Mailing Address:</u>			
City:	ZIP Code:	Email (Required):	

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer and notify the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A MCEA candidate may serve as deputy treasurer for no more than 14 days following the date of registration.
 (21-A MRSA §§ 1013-A and 1125(12-A)) (21-A MRSA § 1013-A (1)(A)(1))

3. AUTHORIZED AGENT INFORMATION (optional)		
Name:	Phone:	Email (Required) :
Name:	Phone:	Email (Required) :

DESIGNATION OF AUTHORIZED AGENT (optional): Please use this section to designate individuals, other than the treasurer and deputy treasurer, authorized to file reports on your behalf.

4. POLITICAL COMMITTEE INFORMATION (optional)		
Name:	Phone:	
Address of Campaign Headquarters:	City:	ZIP Code:

DESIGNATION OF POLITICAL COMMITTEE (optional): The candidate may form a political or campaign committee. Within 10 days of forming the committee and before accepting contributions, making expenditures or incurring obligations, the candidate must:

- appoint a treasurer (the candidate may have only one treasurer who is listed in Section 2) and
- register the committee and its officers, if any are appointed, with the Commission. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name:	Title:	Phone:
Mailing Address:	City:	ZIP Code: Email:

Name:	Title:	Phone:
Mailing Address:	City:	ZIP Code: Email:

5. CERTIFICATION

I, _____, certify that the information in this registration is true, accurate and complete.
(Print Candidate's Full Name)

Signature of Candidate: _____ Date: _____

6. REPORTING EXEMPTION REQUEST

Only county and municipal candidates, and legislative candidates in an uncontested primary election may request an exemption.

A candidate may request an exemption from the obligation to appoint a treasurer and file campaign finance reports if the candidate does not accept any cash or in-kind contributions or make any expenditures for his or her campaign. You cannot request a reporting exemption if you use your or your spouse's/domestic partner's personal funds to pay for your campaign expenses. To request an exemption, complete the statement below and sections 1 & 5, have the form notarized, and submit it to the Commission.

STATEMENT OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.

Signature of Candidate: _____ Date: _____

Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____

Signature of Notary/Attorney-at-law: _____ My commission expires: _____
(Seal is optional) (Date)

REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.



2022 DECLARATION OF INTENT To Seek Certification as a Maine Clean Election Act Candidate

Candidate's Name: _____
(Please Print)

I hereby declare my intent to become certified as a Maine Clean Election Act candidate and to comply with the requirements of the Maine Clean Election Act. I authorize the Commission to conduct a financial audit of my campaign, including but not limited to financial records and account(s). I affirm the following in support of this Declaration of Intent:

- That I am seeking certification as a Maine Clean Election Act candidate.
- That I understand that any qualifying contribution I collected more than five business days before filing this Declaration of Intent with the Commission will not be counted toward the eligibility requirement.
- That I have raised and spent only seed money contributions since becoming a candidate, and that I will continue to comply with applicable seed money restrictions.
- That I will deposit and maintain all Maine Clean Election Act funds I receive in an account to be used solely for campaign purposes, and that all my payments of Maine Clean Election Act funds will comply with the Commission's expenditure guidelines.
- That I will obtain and keep campaign records required by the Maine Clean Election Act and by the Commission's rules and policies.
- That I have received or will obtain from the Commission the current Candidate Guidebook containing the Commission's policies.
- That I have elected to participate in this voluntary public financing program, and understand that it is my responsibility to review and to comply with the Maine Election Law, and the Commission's rules and policies.

I certify that the above affirmations are true, correct, and complete to the best of my knowledge.

Date

Candidate's Signature

This form must accompany the registration form for MCEA candidates.



Maine Clean Election Act Qualifying Contributions - Receipt & Acknowledgement Form

Candidate's Name: _____

Office: House Senate District #: _____

Notice to Contributors:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

Falsifying any information on this form is punishable by law. Please make checks and money orders payable to Maine Clean Election Fund. Money orders must be signed by the contributors.

Circulators: Anyone circulating this form must complete and sign the statement below.

I, (print name) _____, affirm that: (1) I collected the qualifying contributions, (2) to the best of my knowledge and belief, the signature is the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: _____

Date: _____ Phone: _____

Date	Payment Info <small>Mark payment method & include check/MO number or cash amount</small>	Contributor's Name (Print Legibly)	Contributor's Residential Address <small>Must include street address and town (No PO Boxes)</small>	Contributor's Signature
1 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
2 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
3 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
4 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
5 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
6 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
7 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
8 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
9 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
10 / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			



**Maine Clean Election Act
Cash Qualifying Contribution Affirmation Form**

Commission on Governmental Ethics and Election Practices
135 State House Station, Augusta, ME 04333
207-287-4179 | www.maine.gov/ethics

I, _____, affirm that I have given _____

(Contributor's printed name)

(Candidate's printed name)

\$5.00 in cash from my personal funds to support their qualifying for public Maine Clean Election Act funds for their campaign. I did not receive anything of value in return for making this contribution.

Contributor's Signature

Date

Notice to Circulators: Cash contributors must also sign the Receipt & Acknowledgment (R&A) Form. This signed form must be clipped to the corresponding R&A Form for every contributor giving a cash contribution. Qualifying contributions submitted without both forms appropriately signed are invalid. The circulator affirmation on the corresponding R&A Form applies to the use and circulation of this form.

Falsifying anything on this form is punishable by law.



MAINE CLEAN ELECTION ACT

ONLINE QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

CANDIDATE'S NAME: Tavis Hasenfus

OFFICE: House Senate Governor

DISTRICT #: 57

CONTRIBUTORS FROM THE TOWN OR CITY OF: WINTHROP

PAGE: 1 OF 1

Date	System ID #	Contributor's Name	Residential Address
1 04/13/2022	201765	Michael E Sienko	36 UPPER NARROWS LN, WINTHROP, ME
2 04/13/2022	201758	Elizabeth G Sienko	36 UPPER NARROWS LN, WINTHROP, ME
3 04/08/2022	196052	Hans Heinz Walbaum	26 WEDGEWOOD DR, WINTHROP, ME
4 04/04/2022	192253	Robert F Belz	480 N WAYNE RD, WINTHROP, ME
5 03/23/2022	185725	MaryJane Auns	288 STANLEY RD, WINTHROP, ME
6			
7			
8			
9			
10			
11			
12			

Municipal Registrars: Please circle the number of each contributor who is registered to vote in the district of the candidate. Please complete the statement below by inserting the total number of contributors on this page who are registered in the district. Please also cross out any blank lines or contributors who are not registered in the candidate's district.

Note to Municipal Registrars on Online Qualifying Contributions: This Receipt and Acknowledgement form was automatically generated by the Commission's online qualifying contributions application. The contributors listed on this page have already submitted an electronic signature when they made the online contribution and are not required to sign the paper form. Please contact the Commission staff at 287-4179 if you have any questions.

I have verified that _____ contributors circled above are registered to vote in the electoral division of the candidate.

Date: _____

Signature of Registrar: _____



Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

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: _____ **ETH-9**

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

To: Commissioners
 From: Commission Staff
 Date: March 21, 2022
 Re: Policy on Fixing Defective Qualifying Contributions

This memo describes the procedures by which 2022 Maine Clean Election Act candidates may fix qualifying contributions (QCs) when a check or money order, or a Receipt & Acknowledgment (R&A) Form, lacks a required signature or contains another defect.

Encouraged to Submit QCs Early

Candidates are encouraged to submit QCs *well before the applicable deadline* so that Candidate Registrars may process their submission and identify any problems with the QCs that could be fixed by the candidate before the deadline.

Deadlines for Submitting QCs			
	To qualify for basic level of funding (certification)	To receive supplemental payments for primary election	To receive supplemental payments for general election
Gubernatorial	April 1	May 24	October 18
Legislative	April 20	---	October 18

Candidates who submit QCs at the last minute or near the deadline increase the risk they will not have sufficient time to fix problems with their QCs or R&A Forms.

Statutory Criteria for QCs (21-A M.R.S.A. §§ 1122(7) & 1125(3))

1. **Registered Voter:** The contributor must be a registered voter in the electoral division for the office sought by the candidate, as verified by the municipal registrar for the contributor's municipality on the Receipt & Acknowledgement Form ("R&A Form") or the Commission's online QC service.
2. **Forms of Payment:** The QC may be in the form of a check or money order payable to the Maine Clean Election Fund and signed by the contributor in the amount of \$5.00 or more; or \$5.00 cash, accompanied by a Cash QC Affirmation Form signed by the contributor and converted to a money order before submission; or a credit or debit transaction of \$5.00 made through the Commission's online QC service.
3. **Personal Funds:** The funds must be the contributor's personal funds.
4. **Receipt & Acknowledgement Form:** Every contributor giving a material QC (check, cash, or money order) must sign the R&A Form. The form must also be signed by the person who collected the contribution, if any.
5. **Qualifying Period:** For certification, the QC must be made within the relevant qualifying period.
6. **Received by Commission:** For certification, the QC and the original associated R&A Form signed by the contributor and with the municipal registrar's verification, must be received by the Commission on or before the relevant deadline.
7. **Additional Qualifying Contributions - Collection:** For supplemental funds purposes, the QC must be within the relevant collection period.
8. **Additional Qualifying Contributions - Submission:** For supplemental fund purposes, the QC and the original associated R&A Form, signed by the contributor and with the municipal registrar's verification, must be received by the Commission not later than three weeks before the applicable election.

Common Defects or Issues		
	Defect or Issue	Potential Fix (before applicable deadline)
1	R&A Form is a copy, not the original signed form	Commission staff will reject QCs until candidate submits the original form.
2	Checking account is in the name of a business, not an individual	Contributor may provide supplemental note that the contributor uses the business account for personal expenses.
3	The signature for the contributor on the R&A Form was made by the contributor's spouse or domestic partner	Commission staff will reject QC, but candidate may obtain contributor's signature on a new R&A Form.
4	The contributor printed their name in the signature section of the R&A Form, rather signing the form	Same as 3
5	The signature area is blank	Same as 3
6	The Cash Qualifying Contribution Affirmation slip is missing or unsigned	Commission staff will reject QC, but candidate may obtain contributor's signature on a new Cash QC Affirmation slip.
7	Material QCs (checks, cash, money orders) were not entered into the online QC service for voter registration verification	Commission staff will reject QCs until the candidate enters them properly.
8	The system-generated R&A Form was not brought to the municipal registrar to check voter registration status of "unverified" entries	Commission staff will reject unverified QCs on the R&A Form until the candidate submits the Registrar's verification.
9	The circulator who collected the QCs listed on the R&A Form did not sign the form	Commission staff will reject QCs on the R&A Form until the candidate submits the circulator's signature.
10	A combined check was submitted for a contributor, but the contributor does not live in the same household or is not registered to vote in that household	The QC for the contributor is rejected, but the candidate may obtain a separate payment from the contributor.
11	An online QC was paid for by an individual not registered to vote in the same household as the named contributor	No fix allowed. Candidate must collect a new QC.
12	Someone other than the contributor's spouse or domestic partner signed the name of the contributor on the R&A Form or a money order	No fix is allowed (to deter forged signatures, the Commission will permanently invalidate the QC for the election year).

13	Check or cash was received outside of the qualifying period, or more than five business days before the DOI has been filed with the Commission	No fix allowed. Candidate must collect a new QC.
14	Contributor is not registered to vote within the electoral division for the office sought by the candidate	No fix allowed.
15	The bulk money order submitted for the cash QCs is less than the expected total of cash QCs collected	Individual QCs will not be rejected; Commission staff will instead lower the total number of valid cash QCs to match the amount of the bulk money order. Candidate must collect QCs from new contributors to make up the difference.

Fixing QCs for Purposes of Qualifying for Basic Level of Funding (Certification)

Prior to the April 1 or 20 deadlines for certification, candidates may pursue the potential fixes described on page 3. Candidates are encouraged to submit their QCs early, in order to have sufficient time to make these fixes.

Candidates should be aware *after* the applicable April 1 or 20 deadline, candidates may *not* fix most of the defects and issues listed on pages 3-4 in order to have the QC count for the certification threshold. Of the defects listed on pages 3-4, only one issue may be fixed after-deadline: submitting a note from the contributor that the contributor uses a business account for personal expenses.

Fixing QCs for Purposes of Qualifying for Supplemental Payments

Prior to the May 24 or October 18, 2022 deadlines for submitting additional QCs, candidates may pursue the potential fixes described on page 3. For reasons of limited staff time, generally the Commission will deposit the rejected QC, and the QC will remain in a rejected status until the candidates submits the missing signature or form.

After the May 24 and October 18 deadlines, candidates will *not* be allowed to fix any QC for purposes of receiving supplemental payments – regardless of when the QC was originally submitted to the Commission. All fixes (without exception) must be made and submitted to the Commission before the May 24 or October 18 deadline. Candidates are encouraged to submit their QCs early to have sufficient time for potential fixes. Even if the Commission receives the QC within two weeks before the deadline, the staff may not have time to review the QC in time to suggest a fix.

Further Investigation by Commission Staff

The Commission staff scrutinizes checks, money orders, and R&A Forms and reserves the right to contact contributors when contributors' signatures appear inconsistent or other irregularities are apparent. The staff may contact a selection of contributors supporting a gubernatorial candidate before paying the candidate.

No individual should be asked by the candidate, campaign staff or a volunteer to sign an R&A Form as a contributor unless that individual has given \$5 from their personal funds. Candidates should instruct all volunteers and staff never to sign any other person's name on an R&A Form or Cash QC Affirmation Form. The circulator section of the R&A Form is a verification that the circulator personally received \$5 from the contributors on that form. The affirmation should be signed only by the person who actually collected the contributions listed on that form.

Thank you for your consideration of these procedures.

2022 Candidate Guidebook

Running for Office in Maine

Maine Clean Election Act Legislative Candidates





CHAPTER 3

Qualifying Contributions

QUALIFYING CONTRIBUTIONS

Definition. A qualifying contribution (QC) is a donation of \$5 or more to the Maine Clean Election Fund from a registered voter in the candidate's district. A QC is how constituents show support for a candidate's participation in the MCEA program with a relatively small financial contribution.

Required Number of QCs. In order to be certified as an MCEA candidate, a participating candidate must collect a minimum number of QCs. Candidates for State Representative must collect at least 60 QCs; candidates for State Senator must collect at least 175 QCs. For certification, the QCs must be collected and submitted to the Commission no later than the certification deadline of 5:00 p.m. on April 20, 2022.

The Commission staff reviews all QCs thoroughly, and will invalidate a QC if it does not meet all the collection and submission requirements. Therefore, candidates are encouraged to collect at least 10% more than the minimum number of QCs.

From Registered Voters Only. Only QCs from registered voters in the candidate's legislative district in which they are running are valid. The contributors do not need to be enrolled in the same political party as the candidate.

From Personal Funds of the Registered Voter. QCs must be made with the personal funds of the registered voter.

Acceptable Forms of Contributions: Online, Check, Cash, or Money Order. QCs must be in the amount of \$5 or more and be made in the form of:

- a credit or debit card payment using the Commission's online QC service (see next page);
- a personal check payable to the Maine Clean Election Fund;
- cash, provided the contributor signs the Cash QC Affirmation form;
- money order payable to the Maine Clean Election Fund and signed by the contributor; or
- a business check payable to the Maine Clean Election Fund, as long as: (1) the contributor uses the business account for personal expenses, and (2) the contributor's name is imprinted on the check, or the campaign submits a written note from the contributor stating that the contributor uses the account for personal purposes (the note may be in the memo section of the check or on a separate paper).

Family members, domestic partners, and live-in caregivers who reside in the same household may combine QCs in the form of a single check, provided that each individual uses their own personal funds,



signs the Receipt and Acknowledgement (R&A) Form, and is registered to vote at the address of the household.

Online QCs: Making, Receiving, & Verifying. The Commission offers an online service to allow Maine voters to make QCs online using a debit or credit card. The QC website will begin to accept QCs on January 1, 2022. The address for the website is **www.maine.gov/cleanelections**. Candidates may place a link to the site on their campaign websites, and may also distribute it by email or other means. Candidates and treasurers can access the QC website to monitor their online QCs by entering their eFiling usernames and passwords.

To make an online QC, a Maine voter enters their address, chooses the participating candidate(s) they wish to support, and enters their name and credit or debit card information. The contributor electronically signs a form to acknowledge the contribution was made from their personal funds and that they did not receive anything in exchange for the contribution. This electronic signature must be entered by the contributor themselves; therefore a campaign is prohibited from entering a QC on behalf of a contributor. An online QC that was not entered by the contributor will be considered invalid and falsified.

The QC website attempts to verify contributors' voter registrations automatically. If the system can verify a contributor's voter registration, the candidate does not need to obtain verification from the municipal clerk for that contributor. If a contributor cannot be verified as a registered voter by the QC website, candidates may bring system-generated forms listing unverified contributors to the appropriate municipal clerks.

The Commission staff does not verify the voter

registration of individual contributors. If a contributor's registration status has not been verified through the QC website or by the municipal clerk, the QC will not be valid.

RECEIVING QCs IN CASH & USING MONEY ORDERS

A campaign is allowed to receive a QC in cash only if the cash is converted to a money order and certain other legal requirements are met.

Cash QCs & Bulk Money Orders. Candidates may accept cash from QC contributors, provided they aggregate the multiple cash QCs into a single bulk money order made out to the Maine Clean Election Fund, provided the contributors sign the Cash QC Affirmation Form and the R&A Form.

The cash received from contributors during the collection process must be used to directly purchase a single money order that will be submitted to the Commission. This bulk money order must be in the correct amount to represent all cash contributors in a submission; if there is a discrepancy between the amount of the money order and the number of cash contributors, some QCs will be considered invalid. The campaign must actually receive money from the personal funds of the contributor, and not from any other source; misrepresenting the source of cash for a QC is a violation of the MCEA that could be cause for disqualification or revocation from the program.

Individual Money Orders. The campaign may purchase individual \$5 money orders to have on hand while soliciting QCs. The contributor must give \$5 in cash to the candidate/circulator, sign the money order, and sign the R&A Form. The cash must be used to directly reimburse the source of funds that purchased the money orders. The campaign must actually receive



money from the personal funds of the contributor, and not from any other source; misrepresenting the source of cash for a QC is a violation of the MCEA that could be cause for disqualification or revocation from the program. If these requirements are not met, the QC will not be valid.

Using Money Orders for QCs		
	Bulk Money Orders	Individual Contributor Money Orders
When are money orders purchased?	The money order is purchased after the campaign collects cash from QC contributors	\$5 money orders are purchased before soliciting QCs from contributors
Where does the \$5 go?	The cash collected from QC contributors must be used to directly purchase a bulk money order to be used as payment for all of the applicable QCs	The cash collected from QC contributors must be used to directly reimburse the source of the funds that originally purchased the money orders
What does the contributor sign?	The contributor must sign the R&A Form and the Cash QC Affirmation Form	The contributor must sign the R&A Form and the money order

Purchasing Money Orders. The face value of money orders is paid for by the \$5 in cash given by the QC contributor. With the bulk money orders, that face value is paid with the cash the campaign has collected from its QC contributors. With individual contributor money orders, the campaign must front the face value of the money orders either from personal funds or from the campaign account. That purchasing source must be paid back with the cash collected from contributors. If the money orders are purchased with campaign funds, they do not constitute a campaign expense and are not reported in finance reports.

Money order fees, however, are a campaign expense and should be paid from campaign funds directly or reimbursed with campaign funds to the purchaser. These fees must be reported as expenditures on campaign finance reports. If a reimbursement is not made, the purchaser has made an in-kind contribution, which is only allowable in the seed money period. There is an exception: the candidate themselves may spend personal funds on money order fees without being reimbursed by the campaign, and the fees are not reported, nor are they an in-kind contribution.

PERIOD FOR COLLECTING QCs

For the 2022 elections, QCs for legislative candidates may be collected from January 1, 2022 until 5:00 p.m. on October 18, 2022. Any QCs collected outside this period will not be valid. In addition, QCs collected more than 5 business days before a candidate files a signed Declaration of Intent form with the Commission will not be valid.

While QCs may be collected until October 18, 2022, a candidate must submit the required number of valid QCs to the Commission no later than 5:00 p.m. on April 20, 2022 to be certified as an MCEA candidate. QCs collected after April 20 can be used to request payments of supplemental funds only. (See Chapter 5.)

RECEIPT & ACKNOWLEDGEMENT (R&A) FORMS

In order for a QC to be valid, the contributor must acknowledge the contribution was made from their personal funds and in support of the candidate, and that they did not receive anything of value in exchange for the contribution. A QC contributor does this by signing the R&A Form.

All contributors making a QC by check, cash, or money order must personally sign the R&A Form. A family



member or friend may not sign the form on behalf of a contributor. However, a contributor's family member, domestic partner, or caregiver may sign for the contributor if they are unable to do so due to a physical impairment or disability.

If the QC is made using the Commission's QC website, the contributor must make the required acknowledgement online using the prompted screen, and the website will create an R&A Form automatically for campaign and Commission use. Online QC contributors are not required to physically sign anything.

Using Circulators. When anyone, including a candidate, collects QCs, that person must complete the statement in the "Circulator's" section in the top right corner of the R&A Form. QCs will not be accepted unless the circulator section is completed on the corresponding R&A Form. Circulators should sign this affirmation after finishing collecting all of the signatures on the form. If a campaign mails the R&A Form to contributors, the circulator's section is not required to be completed, unless the contributor circulates the form outside of their household.

Both participating and certified MCEA candidates may use campaign funds to pay circulators for collecting QCs, but there are restrictions on doing so. Namely, circulators cannot be paid per QC they collect, nor can any type of quota system be used, such as bonuses or extra pay. Instead, circulators must be paid by an hourly or daily rate. Paying circulators per QC is a serious violation of the MCEA.

Verification of Voter Registration Status. For a QC to be valid, the contributor must be a registered voter in the candidate's district. Only QCs from individuals

whose voter registration has been verified by the QC website or a municipal clerk can be valid.

For QCs made by check, cash, or money order, the campaign will enter each individual contributor's name and address into the portal available in the Commission's online QC service. This will both create the list of contributors required in the Request for Certification, and it will allow the online QC service to attempt to verify each contributor.

The online QC service has a better than 90% success rate in verifying the voter registration status of contributors. **If the online QC service cannot verify that online or material QC contributors are registered voters at the address provided by them, it is the candidate's responsibility to print out the R&A Forms of those unverified contributors from the website and take those forms to the appropriate municipal clerks to verify the contributors' voter registrations.**

To become a certified MCEA candidate, a candidate must submit the required number of valid QCs (original checks, money orders, and Cash QC Affirmation forms) and corresponding original R&A Forms to the Commission no later than 5:00 p.m. on April 20, 2022. Commission staff recommends that candidates submit system-generated R&A Forms to the municipal clerks sufficiently in advance of the April 20th deadline to allow the clerks time to verify the contributors' voter registrations, if they wish those unverified by the online QC service to be considered.

For statutory references related to this chapter, see the legal references section at the end of Chapter 4.



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 • System-generated R&A Forms 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>No time extensions permitted.</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.



COMMISSION STAFF REVIEW OF CERTIFICATION REQUEST

The Commission staff is required to determine whether a candidate has met the requirements for certification within three business days of the candidate's final submission of QCs and other required documents, unless additional time is necessary for further investigation to verify compliance with the MCEA. If further investigation is necessary, the Commission staff is required to provide the candidate with an anticipated schedule for the investigation. The Commission staff gives priority to those candidates in contested primary elections, and will make every effort to certify all candidates within three business days.

The Commission staff notifies candidates and their opponents in writing of the staff determination regarding a candidate's request for certification. The State's accounting office makes the direct deposit (or mails the check) within two weeks after the Commission staff authorizes the payment.

APPEALING THE COMMISSION STAFF'S CERTIFICATION DETERMINATION

If a candidate, their opponent, or other interested person believes the Commission staff has made an error in granting or denying a request for certification, they may submit an appeal to the Commission within seven days of the certification decision.

The members of the Commission will hold a hearing within five days of the submission of the appeal. The Commission will issue its decision within five business days after the hearing is completed. The Commission's decision may be appealed by commencing an action in Superior Court. Frivolous appeals, or those intended to

cause delay or hardship for a campaign, may result in the party who appealed the determination being required to pay the costs of the appeal.

VIOLATIONS

It is a serious violation of the MCEA to misreport or falsify the actual source of funds for a QC. If the Commission determines that a candidate, or an agent of the candidate, submitted fraudulent QCs, the Commission could deny the candidate's certification request and impose substantial penalties.

When a candidate or their campaign workers solicit individuals for QCs, the purpose for asking a Maine voter to sign the R&A Form must be clearly stated. Misrepresenting the reason for the signature is a serious violation of the MCEA.

These violations could result in the denial or revocation of certification, as well as being barred from participating in the program in future elections.

It is also a violation of the MCEA for a candidate or their agent to assist another person to become an opponent, in order for the candidate to receive the higher amount of MCEA funds for a contested election.

REVOCATION OF CERTIFICATION

If the Commission finds that a certified candidate has engaged in serious misconduct, the candidate's certification may be revoked by the Commission after the candidate has had an opportunity for a hearing. Grounds for revocation involve serious violations of the MCEA, such as submitting fraudulent QCs, making false statements or material misrepresentations in reports to the Commission, and misrepresenting to a



Maine voter the purpose of the voter’s signature on the R&A Form.

If a certification is revoked, the candidate must return all unspent MCEA funds to the Commission. Depending on the circumstances, the candidate may be required to return all MCEA funds paid to the candidate and be assessed a civil penalty. The candidate may appeal the Commission’s decision to Superior Court.

AMOUNTS & TIMING OF INITIAL PAYMENTS FOR THE PRIMARY & GENERAL ELECTIONS

The table below shows the amounts of the initial payments of MCEA funds for the primary and general elections.

AMOUNTS OF INITIAL MCEA PAYMENTS IN 2022		
REPRESENTATIVE:	UNCONTESTED	CONTESTED
PRIMARY ELECTION	\$550	\$2,725
GENERAL ELECTION	\$1,650	\$5,475
SENATE:	UNCONTESTED	CONTESTED
PRIMARY ELECTION	\$2,175	\$10,925
GENERAL ELECTION	\$6,550	\$21,850

Payment for the Primary Election. The payment for the primary election will be reduced if a candidate has any unspent seed money. While MCEA candidates are not required to spend all of their seed money, if a candidate has not spent all of their seed money by the time they request certification, the Commission considers that remaining balance to be MCEA funds and must deduct the amount of unspent seed money from the first payment of MCEA funds made to the candidate.

An MCEA candidate running as a member of one of Maine’s established political parties will participate in their party’s primary election in June. MCEA candidates in contested primaries receive a higher payment of MCEA funds. If a candidate’s Request for Certification is filed prior to the deadline for filing nominating petitions with the Secretary of State, it may be unsettled at that time as to whether the candidate is in a contested primary election. In this situation, the amount of the payment will be the amount for an uncontested primary election. An additional amount will be distributed within three days after the nominating petition deadline if the candidate is determined to be in a contested primary election.

A candidate will usually receive the payment for the primary election within two weeks after certification.

Primary Payments to Unenrolled Candidates.

Candidates who are not enrolled in a political party receive the primary election payment for an uncontested party candidate.

Unspent Primary Election Funds. If an MCEA candidate does not spend all of their primary election funds, the Commission does not deduct the unspent funds from the initial payment to the candidate for the general election.

Initial Payment for the General Election. The MCEA requires the Commission to make initial payments for the general election no later than three days after the Secretary of State certifies the results of the primary election. In practice, the Commission staff will make initial payments for the general election as soon as the results of the primary elections are certain – which in most races is likely to be before certification by the Secretary of State.



The initial payment for the general election to an MCEA candidate who is involved in a recount in a primary election will be made when the election results are certain.

Change in Contested Status. It may happen that in the course of a campaign, a candidate for the general election withdraws and is not replaced by the applicable deadline. MCEA candidates are paid based on their contested status and when an MCEA participant becomes uncontested, they are required to return the difference to match the uncontested disbursement amount. Commission staff will be in contact with any candidate that becomes uncontested to assist them in this process.

LEGAL REFERENCES

Qualifying Contributions	21-A M.R.S.A. §§ 1122(7) and 1125(3); Rules, Chapter 3, Section 2(4)
Qualifying Period	21-A M.R.S.A. § 1122(8)
Required Number of Qualifying Contributions	21-A M.R.S.A. § 1125(3)
Receipt and Acknowledgement Form	21-A M.R.S.A. § 1122(7)(D); Rules, Chapter 3, Section 2(4)
Verification by Municipal Clerks	21-A M.R.S.A. § 1122(7)(B); Rules, Chapter 3, Sections 2(4)(F), (G)
Misrepresentation of Purpose	21-A M.R.S.A. § 1125(3)
Prohibition against Assisting an Opponent	21-A M.R.S.A. § 1125(6-A)
Requesting Certification	21-A M.R.S.A. § 1125(4) and (5); Rules, Chapter 3, Sections 3(1) - (3)
Certification by Commission	21-A M.R.S.A. § 1125(5); Rules, Chapter 3, Section 3(4)
Revocation of Certification	21-A M.R.S.A. § 1125(5-A)
Appeals	21-A M.R.S.A. § 1125(14); Rules, Chapter 3, Section 3(5)
Timing of Initial Payments	21-A M.R.S.A. § 1125(7)
Unenrolled Candidates	21-A M.R.S.A. § 1125(5)(C) and (10)
Amounts of Initial Payments	21-A M.R.S.A. § 1125(8-C) and (8-D)
Forms of Payment	Rules, Chapter 3, Section 5(1)



COLLECTING QUALIFYING CONTRIBUTIONS

What Is a Qualifying Contribution (QC)?

A QC is a donation of **at least \$5** made by a **registered voter in the candidate's district**. A QC can be made by **check or money order payable to the Maine Clean Election Fund**, **cash** (allowed when using the Cash QC Affirmation Form), **or by credit card** (using the Commission's online QC service). The contributor who is using a **material QC** (cash, check, or money order) **must sign a Receipt & Acknowledgment (R&A) Form**, as well as the **check or money order**, or the **Cash QC Affirmation Form**. The candidate then uses the **online QC service to verify the voter registration** of their contributors. **If a contributor's voter registration cannot be verified, the candidate can print a computer-generated R&A Form to take to the appropriate municipal clerk. If a contributor's voter registration cannot be verified, or if a QC does not meet the other requirements, it will be rejected.**

When and How Can QCs Be Collected?

A candidate must be **registered** with the Ethics Commission and have submitted a **signed Declaration of Intent** before they may start collecting QCs. QCs can be collected from **January 1 - October 18, 2022**. **QCs for certification must be submitted by 5:00 p.m. on April 20, 2022.**

QCs can be collected in person, or contributors can donate online using the Ethics Commission's online QC service. Supporters of the candidate are allowed to help by collecting QCs for the candidate, and candidates can collect QCs at the same time they are collecting ballot petition signatures. **The R&A Forms must be signed by the person who circulated them.**

How Many QCs Are Required?

For **MCEA certification**, House candidates must submit at least **60 valid QCs**; Senate candidates must submit at least **175 valid QCs**. It is highly recommended candidates collect and submit at least **10% more than the minimum for certification**.

Candidates may **request supplemental funding for the general election** by collecting and submitting additional QCs. Please see "2022 General Information" in this packet for information about the number of QCs necessary for supplemental funding levels, or call a Candidate Registrar.

What Are the Deadlines for Submitting QCs?

For **MCEA certification**, candidates must submit their **material QCs (checks, money orders, and Cash QC Affirmation Forms) and the original R&A Forms** to the Ethics Commission **no later than 5:00 p.m. on April 20, 2022**. **There are no exceptions to this deadline.** Candidates must also input the information for all of their material QCs into the online QC service by the deadline, and file their **Seed Money Report**, which is done on the Commission's eFiling website.

To **receive supplemental funds**, candidates must do the same as described in the previous paragraph in regards to QCs **no later than 5:00 p.m. on October 18, 2022**.

(over)

How To Properly Collect Online, Check, Cash, and Money Order QCs

Online QCs

- ⇒ The Commission's online QC service is the simplest method for collecting QCs
- ⇒ Contributors go to **www.maine.gov/cleanelections** and follow the prompts to enter their name, address, and credit card information
- ⇒ Candidates/circulators may assist contributors with using the site, but **may not enter payment information, or electronically sign or affirm for the contributor**

Check QCs*

- ⇒ Contributors can make a QC using a **personal** check made out to the **“Maine Clean Election Fund” or “MCEF”**
- ⇒ Checks must be from contributors' **personal** accounts, **not** business accounts
 - ⇒ If a contributor uses a business account for personal purposes, their individual name must be imprinted on the check, or they need to make a notation in the memo section (or provide some other type of note or memo to the candidate/circulator)
- ⇒ A **single check** can be used for multiple contributors, provided they are family members, partners, or a live-in caregivers, and are all **registered to vote at the same address**

Cash QCs*

- ⇒ Contributors may give QCs in cash provided they **sign the Cash QC Affirmation Form**
- ⇒ Candidates/circulators must purchase a **bulk money order (MO)** using the cash received from contributors and submit it to the Commission, along with the Affirmation Forms
- ⇒ The bulk money order must be **made out to the “Maine Clean Election Fund” or “MCEF”**
- ⇒ If there is a discrepancy between the amount of the bulk MO and the **amount necessary to represent \$5 coming from every cash contributor, some QCs may be considered invalid**
- ⇒ If a candidate personally pays a fee for the bulk MO, the fee **is not considered an in-kind contribution** and is not required to be reimbursed

Money Order (MO) QCs*

- ⇒ A contributor can make a QC using an MO provided by the candidate/circulator
 - ⇒ They must be **written to the “Maine Clean Election Fund” or “MCEF”**
 - ⇒ **The MO must be signed** by the contributor or the QC will be invalid
 - ⇒ The contributor **must give the candidate/circulator \$5 in exchange for the MO** or the QC will be fraudulent
- ⇒ Candidates can purchase \$5 MOs to have on hand while soliciting QCs
 - ⇒ If MOs are purchased with personal funds, any associated fees are **not in-kind contributions** and are not required to be reimbursed with campaign funds
 - ⇒ If MOs are purchased with seed money or MCEA funds, any associated **fees must be reported as expenditures**
- ⇒ The cash paid by contributors in exchange for an MO must be used **to reimburse the original source of funds** - personal, seed money, or MCEA - that were used to purchase the MO

*** Contributors of material QCs must sign the R&A Form otherwise the QC is invalid**

Title 21-A M.R.S.
Chapter 14: Maine Clean Election Act

...

§ 1122. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Certified candidate.** “Certified candidate” means a candidate running for Governor, State Senator or State Representative who chooses to participate in the Maine Clean Election Act and who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5.
- 1-A. Caucus political action committee.** “Caucus political action committee” has the same meaning as in section 1001, subsection 1-A.
- 2. Commission.** “Commission” means the Commission on Governmental Ethics and Election Practices established by Title 5, section 12004-G, subsection 33.
- 3. Contribution.** “Contribution” has the same meaning as in section 1012, subsection 2.
- 3-A. Election cycle.** “Election cycle” means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office.
- 4. Fund.** “Fund” means the Maine Clean Election Fund established in section 1124.
- 4-A. Immediate family.** “Immediate family” has the same meaning as in section 1, subsection 20 and includes a candidate’s domestic partner and the immediate family of the candidate’s domestic partner.
- 5. Nonparticipating candidate.** “Nonparticipating candidate” means a candidate running for Governor, State Senator or State Representative who does not choose to participate in the Maine Clean Election Act and who is not seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.
- 6. Participating candidate.** “Participating candidate” means a candidate who is running for Governor, State Senator or State Representative who is seeking to be certified as a Maine Clean Election Act candidate under section 1125, subsection 5.

- 7. Qualifying contribution.** “Qualifying contribution” means 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 a payment 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.
- 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

- 1. Declaration of intent.** A participating candidate shall file a declaration of intent to seek certification as a Maine Clean Election Act candidate and to comply with the requirements of this chapter. The declaration of intent must be filed with the commission prior to or during the qualifying period, except as provided in subsection 11, according to forms and procedures developed by the commission. Qualifying contributions collected more than 5 business days before the declaration of intent has been filed will not be counted toward the eligibility requirements in subsection 3 or 3-A.

2. Contribution limits for participating candidates. Subsequent to becoming a candidate as defined by section 1, subsection 5 and prior to certification, a participating candidate may not accept contributions, except for seed money contributions. A participating candidate must limit the candidate's total seed money contributions to the following amounts:

- A. Two hundred thousand dollars for a gubernatorial candidate;
- B. Three thousand dollars for a candidate for the State Senate; or
- C. One thousand dollars for a candidate for the State House of Representatives.

The commission may, by rule, revise these amounts to ensure the effective implementation of this chapter.

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.

2-B. Seed money required for gubernatorial candidates; documentation.

[Repealed]

2-C. Change in campaign financing. If a candidate has accepted contributions as a candidate for Governor, State Senator or State Representative that are not seed money contributions as defined in section 1122, subsection 9 or do not comply with the seed

money restrictions in subsections 2 and 2-A, the candidate is ineligible for certification in the same election cycle.

3. Qualifying contributions. The collection of qualifying contributions is governed by this subsection.

A. [Repealed]

B. [Repealed]

C. [Repealed]

D. To be eligible to receive funding from the fund, participating candidates must obtain qualifying contributions during the qualifying period as follows:

(1) For a gubernatorial candidate, at least 3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

(2) For a candidate for the State Senate, at least 175 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

(3) For a candidate for the State House of Representatives, at least 60 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

E. A contributor making a qualifying contribution by check or money order shall sign the check or money order. If the contributor has made a check or money order payable to a participating candidate in error, the candidate may remedy the error by endorsing the check or money order to the fund.

F. A contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the contributor signs a form prepared by the commission affirming that the contributor made the contribution with personal funds. A candidate receiving qualifying contributions in cash shall submit the contributions to the commission in the aggregate in the form of a cashier's check or money order payable to the fund. The candidate may not deposit qualifying contributions received in cash into the candidate's campaign account.

G. As an alternative to making a qualifying contribution under paragraph F, a contributor may make a qualifying contribution to a participating candidate in the form of cash, as long as the candidate submits a money order in the same amount to the commission. The money order must be signed by the contributor to be a valid qualifying contribution. The cash received from the contributor must be used to reimburse the person who provided the money order.

H. Any fees for a cashier's check or a money order paid with seed money must be reported as an expenditure in campaign finance reports submitted to the commission. If a participating candidate uses personal funds to pay fees for the purchase of a cashier's check or money order, those fees are not a contribution to the candidate and are not required to be disclosed in campaign finance reports. The candidate shall report any cashier's check or money order fees paid by anyone other than the candidate as an in-kind contribution subject to seed money limitations.

I. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, a procedure for a qualifying contribution to be made by a credit or debit transaction and by electronic funds transfer over the Internet. Records containing information provided by individuals who have made qualifying contributions over the Internet are confidential, except for the name of the individual making the contribution, the date of the contribution, the individual's residential address and the name and office sought of the candidate in whose support the contribution was made.

J. A payment, gift or anything of value may not be given in exchange for a qualifying contribution. It is a violation of this chapter for a participating candidate or an agent of the participating candidate to misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.

3-A. Additional qualifying contributions. Participating or certified candidates may collect and submit to the commission additional qualifying contributions at the times specified in subsection 8-E. The commission shall credit a candidate with either one qualifying contribution or one additional qualifying contribution, but not both, from any one contributor during the same election cycle. If any candidate collects and submits to the commission qualifying contributions or additional qualifying contributions that cannot be credited pursuant to this subsection, those qualifying contributions or additional qualifying contributions may be refunded to the contributor or deposited into the Maine Clean Election Fund at the discretion of the candidate. The procedures and restrictions set out in subsection 3, paragraphs E to J apply to additional qualifying contributions.

3-B. Receipt and acknowledgment forms. The commission shall prepare forms for persons making qualifying contributions to acknowledge the contribution as provided in section 1122, subsection 7, paragraph D. A qualifying contribution is not valid if anyone other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability.

4. Filing with commission. 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, except as provided under subsection 11.

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.** [Repealed]
- 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.

5-A. Revocation of certification. The certification of a certified candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate:

- A. Did not submit the required number of valid qualifying contributions;
- B. Failed to qualify as a candidate by petition or other means;
- C. Submitted any fraudulent qualifying contributions or qualifying contributions that were not made by the named contributor;
- D. Misrepresented to a contributor the purpose of the qualifying contribution or obtaining the contributor's signature on the receipt and acknowledgement form;
- E. Failed to fully comply with the seed money restrictions;
- F. Knowingly accepted any contributions, including any in-kind contributions, or used funds other than fund revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission;
- G. Knowingly made a false statement or material misrepresentation in any report or other document required to be filed under this chapter or chapter 13;
- H. Otherwise substantially violated the provisions of this chapter or chapter 13;
or
- I. As a gubernatorial candidate, failed to properly report seed money contributions as required by this section.

The determination to revoke the certification of a candidate must be made by a vote of the members of the commission after an opportunity for a hearing. A candidate whose certification is revoked shall return all unspent funds to the commission within 3 days of the commission's decision and may be required to return all funds distributed to the candidate. In addition to the requirement to return funds, the candidate may be subject to a civil penalty under section 1127. The candidate may appeal the commission's decision to revoke certification in the same manner provided in subsection 14, paragraph C.

5-B. Restrictions on serving as treasurer. A participating or certified candidate may not serve as a treasurer or deputy treasurer for that candidate's campaign, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under this chapter until the candidate identifies another person to serve as treasurer.

6. Restrictions on contributions and expenditures for certified candidates. After certification, a candidate must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission. Candidates may also accept and spend interest earned on fund revenues in campaign bank accounts. All revenues distributed to a certified candidate from the fund must be used for campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for any but campaign-related purposes. The candidate, the treasurer, the candidate's committee authorized pursuant to section 1013-A, subsection 1 or any agent of the candidate and committee may not use these revenues for post-election parties. This section does not prohibit a candidate from using personal funds for post-election parties as governed by rules of the commission. The commission shall publish guidelines outlining permissible campaign-related expenditures.

6-A. Assisting a person to become an opponent. A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-F for certified candidates in a contested election.

6-B. Expenditures as payment to household members. [Repealed]

6-C. Expenditures to the candidate or family or household members.

Expenditures to the candidate or immediate family member or household member of the candidate are governed by this subsection.

A. The candidate may not use fund revenues to pay or compensate the candidate or the candidate's spouse or domestic partner, a sole proprietorship of the candidate or the candidate's spouse or domestic partner, a business entity in which the candidate or the candidate's spouse or domestic partner holds a significant proprietary or financial interest or a nonprofit entity in which the candidate or the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer for campaign-related goods or services.

B. A candidate may make expenditures using fund revenues to pay a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner; a business entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner holds a significant proprietary or financial interest; or a nonprofit entity in which a member of the candidate's immediate family or household other than the candidate's spouse or domestic partner is a director, officer, executive director or chief financial officer, as long as the expenditure is made:

- (1) For a legitimate campaign-related purpose;
- (2) To an individual or business that provides the goods or services being purchased in the normal course of the individual's occupation or the business; and
- (3) In an amount that is reasonable taking into consideration current market value and other factors the commission may choose to consider.

For the purpose of this paragraph, "business entity" means a corporation, limited liability company, limited partnership, limited liability partnership and general partnership.

If a candidate uses fund revenues for an expenditure covered by this paragraph, the candidate shall submit evidence demonstrating that the expenditure complies with the requirements of this paragraph if requested by the commission.

This subsection does not prohibit reimbursement to the candidate or a member of a candidate's household or immediate family when made in accordance with this chapter and rules adopted by the commission.

6-D. (Omitted)

6-E. Expenditures for television advertising. A certified candidate must include closed-captioning within any television advertisement that the candidate provides to a broadcasting or cable television station for broadcast to the public, except for an advertisement aired in the final 4 days before an election if inclusion of closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement.

6-F. Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

- A. The date on which the candidate withdraws from a race;
- B. The date of the primary election or general election for a candidate who loses either election; or
- C. January 1st immediately preceding the next general election for a candidate who wins the general election.

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from

engaging in fund-raising or decision making for a caucus political action committee. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsections 8-B to 8-D in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election.

B. Within 3 days after certification, for all candidates certified between March 15th and the end of the qualifying period of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election.

B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year.

C. No later than 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election.

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

7-A. Deposit into account; release of bank records. A candidate or a committee authorized pursuant to section 1013-A, subsection 1 shall deposit all revenues from the fund and all seed money contributions in an account, referred to in this subsection as a “campaign account,” with a bank or other financial institution. The campaign funds must be segregated from, and may not be commingled with, any other funds.

A. A participating candidate shall provide to the commission a signed written authorization allowing the bank or other financial institution administering a campaign account to release to the commission all records held by that bank or institution pertaining to the campaign account, including, but not limited to, campaign account statements, records of payments or transfers from the campaign account and deposits of funds to the campaign account.

B. The executive director of the commission or its auditor, during an audit or during an investigation authorized by the commission or the chair of the commission of potential noncompliance with the requirements of this chapter, chapter 13 or a rule of the commission, may request that a candidate provide the records of a campaign account. If the candidate fails to comply with the request

within 30 days of receiving it, the executive director or auditor may use the authorization obtained pursuant to paragraph A to obtain the records directly from the bank or other financial institution.

7-B. Timing of supplemental fund distribution. The following provisions govern the timing of supplemental fund distributions.

A. For gubernatorial candidates, any supplemental primary or general election distributions made pursuant to subsection 8-B must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions.

B. For legislative candidates, any supplemental general election distributions made pursuant to subsections 8-C and 8-D must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions.

8. Amount of fund distribution. [Repealed]

8-A. Amount of fund distribution. [Repealed]

8-B. Distributions to certified gubernatorial candidates. Distributions from the fund to certified gubernatorial candidates must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$200,000 per candidate.

B. For a contested primary election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$400,000 per candidate;

(2) For each increment of 800 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$150,000; and

(3) The total amount of revenues distributed for a contested primary election may not exceed \$1,000,000 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$600,000 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$600,000 per candidate;

(2) For each increment of 1,200 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a

total of 9,600 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$175,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$2,000,000 per candidate.

8-C. Distributions to certified candidates for State Senate. Distributions from the fund to certified candidates for the State Senate must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$2,000 per candidate.

B. For a contested primary election, the total distribution of revenues is \$10,000 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$6,000 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$20,000 per candidate;

(2) For each increment of 45 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$5,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$60,000 per candidate.

8-D. Distributions to certified candidates for State House of Representatives. Distributions from the fund to certified candidates for the State House of Representatives must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$500 per candidate.

B. For a contested primary election, the total distribution of revenues is \$2,500 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$1,500 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$5,000 per candidate;

(2) For each increment of 15 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$1,250; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$15,000 per candidate.

8-E. Collection and submission of additional qualifying contributions.

Participating or certified candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day.

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

8-F. Amount of fund distribution. On December 1st of each even-numbered year the commission shall review and adjust the distribution amounts in subsections 8-B to 8-D based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible by \$25. When making adjustments under this subsection, the commission may not change the number of qualifying contributions or additional qualifying contributions required to trigger an initial distribution or an increment of supplemental distribution. The commission shall post information about the distribution amounts including the date of any adjustment on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

9. Matching funds. [Repealed]

10. Candidate not enrolled in a party. An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required

documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7, 8-C and 8-D. Revenues for the general election must be distributed to the candidate as specified in subsection 7. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and 8-B. Revenues for the general election must be distributed to the candidate for Governor as specified in subsection 7.

11. Other procedures. The commission shall establish by rule procedures for qualification, certification, disbursement of fund revenues and return of unspent fund revenues for races involving special elections, recounts, vacancies, withdrawals or replacement candidates.

12. Reporting; unspent revenue. Notwithstanding any other provision of law, the treasurer or deputy treasurer of participating and certified candidates shall report any money collected, all campaign expenditures, obligations, refunds received by a candidate or agent of that candidate and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or household or a business or nonprofit entity affiliated with a member of the candidate's immediate family or household, the treasurer or deputy treasurer must disclose the candidate's relationship to the payee in a manner prescribed by the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections, that candidate shall return all unspent fund revenues to the commission. If the candidate or agent of the candidate receives a refund of an expenditure made for the campaign after filing the final report, the candidate shall return those funds to the fund within 14 days of receiving the refund.

12-A. Required records. The candidate or treasurer shall obtain and keep:

- A.** Bank or other account statements for the campaign account covering the duration of the campaign;
- B.** A vendor invoice stating the particular goods or services purchased for every expenditure in excess of \$50;

C. A record proving that a vendor received payment for every expenditure in excess of \$50 in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; and

D. [Repealed]

E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid in excess of \$500 for the election cycle for providing campaign staff or consulting services to a candidate.

The candidate or treasurer shall preserve the records for 3 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request.

12-B. Audit requirements for candidates for Governor. The commission shall audit the campaigns of candidates for Governor who receive funds under this chapter to verify compliance with election and campaign laws and rules. Within one month of declaring an intention to qualify for public financing, a candidate for Governor, the campaign's treasurer and any other relevant campaign staff shall meet with the staff of the commission to discuss audit standards, expenditure guidelines and record-keeping requirements.

12-C. Payments to political committees. If a certified candidate makes a payment of fund revenues to a political action committee or party committee, the candidate shall include in reports required under this section a detailed explanation of the goods or services purchased according to forms and procedures developed by the commission that is sufficient to demonstrate that the payment was made solely to promote the candidate's election.

12-D. Duties of the campaign treasurer and deputy treasurer. The treasurer shall file all campaign finance reports required by section 1017, this chapter and commission rules, unless the treasurer delegates the filing of reports to the deputy treasurer designated on the candidate's registration. A candidate may enter financial transactions in an electronic reporting system or on paper forms of the commission, but the report must be filed by the treasurer or deputy treasurer. The treasurer is jointly responsible with the candidate for ensuring that the campaign keeps all records required by section 1016, this chapter and commission rules. If the candidate keeps the records, the candidate shall provide the treasurer or deputy treasurer with access to the records for the purpose of filing complete and accurate campaign finance reports. The commission may hold the candidate and treasurer jointly and severally liable for any penalties assessed for violations of the financial reporting or record-keeping requirements of this chapter, chapter 13 and commission rules. If the deputy treasurer files reports for the campaign, the commission may hold the deputy treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.

13. Distributions not to exceed amount in fund. [Repealed]

13-A. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsection 8-F, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than the applicable contribution limits established by the commission pursuant to section 1015, up to the applicable amounts set forth in subsection 8-F according to rules adopted by the commission.

14. Appeals. A candidate who has been denied certification as a Maine Clean Election Act candidate by the commission's executive director, the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the executive director as follows.

A. A challenger may appeal to the commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal.

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing, except that the commission may extend this period upon agreement of the challenger and the candidate whose certification is the subject of the appeal, or in response to the request of either party upon a showing of good cause. The appellant has the burden of proving that the certification decision was in error as a matter of law or was based on factual error. The commission must rule on the appeal within 5 business days after the completion of the hearing.

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court within 5 days of the date of the commission's decision. The action must be conducted in accordance with Rule 80C of the Maine Rules of Civil Procedure, except that the court shall issue its written decision within 20 days of the date of the commission's decision. Any aggrieved party may appeal the decision of the Superior Court by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after the notice of appeal is filed. After filing the notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of the court. The court shall consider the case as soon as possible after the record and briefs have been filed and shall issue its decision within 14 days of the decision of the Superior Court.

D. A candidate whose certification as a Maine Clean Election Act candidate is reversed on appeal must return to the commission any unspent revenues

distributed from the fund. If the commission or court finds that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any.

...

SECTION 2. PROCEDURES FOR PARTICIPATION

...

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; 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) A candidate must 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.

- (3) For qualifying contributions made by credit or debit card using the Commission's online service, 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 Acknowledgement 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;
 - 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 paragraph D. 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.



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

AMENDED Staff Determination
Footnotes 1 and 2 added on pages 2-3.

April 27, 2022

By E-Mail and Regular Mail

Ms. Kathleen Shaw
1200 Sopers Mill Road
Auburn, Maine 04210

Dear Ms. Shaw:

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 you submitted 59 valid qualifying contributions (QCs), which is less than the 60 QCs 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

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

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).¹ 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).

Proof of Contributors' Voter Registration

Under the Commission's rules, a candidate's request for MCEA funding must include proof of the contributors' voter registration. 94-270 C.M.R. ch. 3, § 3(1)(A). The proof of registration must be received by the Commission within the qualifying period. The candidate must verify that each contributor is registered to vote in the candidate's legislative district through the Commission's online QC service or through written verification from the clerk in the contributor's municipality.

94-270 C.M.R. ch. 3, § 2(4)(F).

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

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 qualifying period ends at 5:00 p.m.

¹ Title 21-A, section 1125(3-B) states that "A qualifying contribution is not valid if anyone other than the contributor signed the contributor's name to the form, except that a qualifying contribution is valid if it is signed by the contributor's immediate family member or live-in caregiver when the contributor is unable to sign due to a physical impairment or disability."

on April 20th of the election year. 21-A M.R.S § 1122(8)(B). Under the Commission Rules, the Commission and its staff 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).²

II. Determination by Commission Staff

When your MCEA qualifying materials were submitted to the Commission on Tuesday, April 19th, the Commission's online QC service indicated you were submitting 63 QCs. The Commission staff has determined four of the QCs from this submission were invalid, and that you submitted 59 valid QCs.

Two Contributors not Registered Voters

On the Receipt & Acknowledgement forms you took to the Auburn town clerk for verification of contributors' voter registration, the municipal registrar noted two contributors were not registered voters in your district.

- Lindsay Sardella and David Sardella made QCs via cash to you during the qualifying period but were marked as not registered to vote in your district by both the Commission's online QC service and an Auburn municipal registrar. Candidate Registrar Emma Burke confirmed herself these two contributors are not registered voters in your district. Therefore, the QCs from Lindsay Sardella and David Sardella are invalid.

Duplicate QCs for One Contributor

The materials submitted on April 19th include duplicate QCs for one contributor. The Commission staff is counting only one QC for this contributor.

- Ned Claxton made two QCs, both via the Commission's online QC service - one on March 17th, and one on April 1st. The April 1st online QC is invalid.

² At a March 30, 2022 Commission meeting, the staff presented its written policy to the Commission that we do not allow candidates to fix mistakes in QCs or R&A forms *after* the April 20th deadline for purposes of certifying whether a candidate has qualified for MCEA funding (www.maine.gov/ethics/meeting/2022-03-30).

Ms. Kathleen Shaw

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April 27, 2022

Cash Qualifying Contribution Affirmation Form Signed by Someone Other than the Contributor

The Cash Qualifying Contribution Affirmation form (“Cash QC form”) is the form prepared by the Commission, as directed by 21-A M.R.S. § 1125(3)(F), that must be signed by any contributor who has made a QC in cash. Your April 19th submission of qualifying materials included a Cash QC form for one contributor that was signed by someone other than the contributor.

- On April 8th, you received two \$5 QCs in cash on behalf of Daniel Poisson and Heidi Poisson. Daniel Poisson signed *his* name on the Cash QC form for Heidi Poisson. Because Heidi Poisson did not sign a Cash QC form as required by 21-A M.R.S. § 1125(3)(F), her QC is invalid. Also, it appears that Mr. Poisson may have signed Heidi Poisson’s name on the R&A form for her contribution. Consequently, our office may not have received any written affirmation that Ms. Poisson intended to give a \$5 QC in your support.

Because four of your QCs do not meet the legal requirements to be counted toward certification, the Commission staff has 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

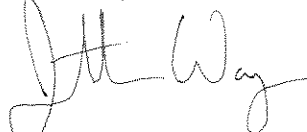
Ms. Kathleen Shaw

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April 27, 2022

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 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 "W".

Jonathan Wayne
Executive Director

From: Kathy Shaw <kath@valleyviewfarm.me>
Sent: Wednesday, April 27, 2022 12:18 PM
To: Wayne, Jonathan <Jonathan.Wayne@maine.gov>
Cc: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>; Burke, Emma <Emma.Burke@maine.gov>
Subject: Re: Amended MCEA Determination

Good Morning,

I am writing to you kind folks today to appeal the determination below.

I would gratefully ask that you reconsider your denial of my clean election results.

Mrs. Poisson will gladly sign the forms and I will forward them to you tomorrow electronically. She is a registered voter in Auburn and was unavailable the day that I presented the petition to her husband Dan Poisson for signatures.

I do apologize for the oversight, and the mistake on my part, I have done my very best to comply with all of the rules and regulations throughout this process.

This effort to run for office has been a very steep learning curve and I do appreciate all of the time the Ethics staff have put into answering my questions and concerns.

I have never participated in any kind of effort like this before and have been rapidly learning as I go.

If I had noticed this error, I would have had it corrected immediately, and I will have the correctly signed forms submitted to you by tomorrow.

I do understand the need to uphold rules, but in this instance,

- 1) Mrs Poisson is a bonafide registered voter,
- 2) she will sign the forms,
- 3)her husband was the signer for her that day,
- 4) I will have them for you to consider tomorrow.

I look forward to hearing from you with a date for the appeal hearing, please do not hesitate to contact me with any comments, concerns or questions

Regards,
Kathy Shaw



Maine Clean Election Act

Qualifying Contributions - Receipt & Acknowledgement Form

Candidate's Name: Kathleen Shaw
Office: House Senate District #: 88

Notice to Contributors:

- Your signature and qualifying contribution of \$5 or more will help the candidate named above to be eligible for public funding from the State to pay for the candidate's campaign.
- By signing below, you affirm that you have used your personal funds to make this contribution and that you have received nothing of value in exchange for your signature and contribution.

Circulators: Anyone circulating this form must complete and sign the statement below.

I, (print name) Kathleen Shaw, (2) to the best of my knowledge and belief, the signature of the person whose name it purports to be, (3) the contribution came from the personal funds of the contributor, and (4) I did not give anything of value to the contributor in exchange for their contribution and signature.

Signature of Circulator: Kathleen Shaw
Date: 4/28 Phone: 207-320-1969

Date	Payment Info <small>Mark payment method & include check/MO number or cash amount</small>	Contributor's Name (Print Legibly)	Contributor's Residential Address <small>(No PO boxes)</small>	Contributor's Signature
1 4/26/2022	<input type="checkbox"/> Check/MO # _____ <input checked="" type="checkbox"/> Cash \$ <u>5.00</u>	Heidi Poisson	26 Gosnold Street	<u>[Signature]</u>
2 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
3 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
4 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
5 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
6 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
7 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
8 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
9 / / 2022	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			



**Maine Clean Election Act
Cash Qualifying Contribution Affirmation Form**

Commission on Governmental Ethics and Election Practices
135 State House Station, Augusta, ME 04
207-287-4179 | www.maine.gov/et

I, Heidi A Poisson, affirm that I have given Kathleen Swan
(Contributor's printed name) (Candidate's printed name)

\$5.00 in cash from my personal funds to support their qualifying for public Maine Clean Election Act funds for their campaign. I did not receive anything of value in return for making this contribution.

4/26/2022
Date

[Signature]
Contributor's Signature

Notice to Circulators: Cash contributors must also sign the Receipt & Acknowledgment (R&A) Form. This signed form must be clipped to the corresponding R&A Form for every contributor giving a cash contribution. Qualifying contributions submitted without both forms appropriately signed are invalid. The circulator's affirmation on the corresponding R&A Form applies to the use and circulation of this form.

Falsifying anything on this form is punishable by law.



**Maine Clean Election Act
Cash Qualifying Contribution Affirmation Form**

Commission on Governmental Ethics and Election Practices
135 State House Station, Augusta, ME 04
207-287-4179 | www.maine.gov/et

I, _____, affirm that I have given _____

_____ to support their qualifying for public Maine Clean Election Act



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

To: Candidates for the Maine House of Representatives, District 88
cc: Commission Members and Counsel
From: Jonathan Wayne, Executive Director
Date: April 29, 2022

NOTICE OF HEARING

Hearing Scheduled for May 6, 2022

On April 26, 2022, the staff of the Maine Ethics Commission completed its review of a request for Maine Clean Election Act funding by Ms. Kathleen Shaw, a candidate for the Maine House of Representative, District 88. The Commission staff found that Ms. Shaw did not submit 60 valid qualifying contributions during the qualifying period. Specifically, the Commission found a total of four qualifying contributions were invalid because two contributors were not registered to vote in her House district, one contributor made two contributions, and the Receipt and Acknowledgement and Cash Qualifying Contribution Affirmation forms submitted for one contribution were signed by the contributor's spouse rather than the contributor. For these reasons, the Commission staff determined Ms. Shaw did not meet the requirements to receive Maine Clean Election Act funding under 21-A M.R.S. § 1125(5).

Ms. Shaw has appealed the staff determination. Pursuant to 21-A M.R.S. § 1125(14), the Commission will hold a hearing on her appeal, with the agreement of the appellant, on **Friday, May 6, 2022 at 9:00 a.m.** The hearing will be held at the Commission office at **45 Memorial Circle, in Augusta.** The hearing will be streamed to YouTube for the public to access.

The May 6, 2022 hearing will be conducted in accordance with Chapter 2 of the Commission's rules (available at www.maine.gov/ethics) and the Maine Administrative Procedure Act, 5 M.R.S. §§ 8001 et seq.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

Issue to be Addressed at the Hearings

At the hearing, Ms. Shaw will 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. The members of the Commission are expected to reach a decision in the matter as part of the hearing.

Opportunity to Present Evidence and Legal Argument

The appellant, the Commission staff, and any intervenors may present evidence and legal argument at the May 6, 2022 hearing.

Subpoenas

Any requests to the Commission for issuance of subpoenas under 5 M.R.S. § 9060 should be made as soon as possible. Requests should be addressed to the Commission Chair and emailed to Jonathan.Wayne@maine.gov.

Relevant Statutes and Rules

The following provisions are relevant to the proceeding:

21-A M.R.S. § 1122(7) & (8)

21-A M.R.S. § 1125(3), (3-B), (4), (5) & (14)

Commission Rules, Chapter 3, Sections 2(4) & 3(1)

Applications to Intervene as a Party

Any person who wishes to intervene as a party to the proceeding should submit a letter to the Commission as soon as possible. Please address the letter to Commission Chair and email the letter to Jonathan.Wayne@maine.gov.

Questions

If you have any questions concerning this notice, please call me at (207) 287-4179 or e-mail me at Jonathan.Wayne@maine.gov.