



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

Commission Meeting 06/17/2020  
Agenda Item #1

May 29, 2020

**By E-Mail and Regular Mail**

Misty Coolidge  
37 Peacock Hill Road  
New Gloucester, Maine 04260

Dear Ms. Coolidge:

The staff of the Maine Commission on Governmental Ethics and Election Practices (“the Commission”) has completed its review of your request for certification as a Maine Clean Election Act (MCEA) candidate. We determined that you submitted 58 valid qualifying contributions (QCs), which is less than the 60 required to receive MCEA funding. You have an opportunity to appeal this staff determination to the members of the Commission, as discussed in Section III.

**I. Legal Requirements for MCEA Funding**

**Signature of the Circulator**

Candidates for the Maine House of Representatives must obtain QCs from at least 60 verified registered voters (“contributors”) from the candidate’s electoral district during the qualifying period. (21-A M.R.S. § 1125(3)(D)) The contributors must acknowledge on a form prepared by the Commission (the “Receipt & Acknowledgement Form”) their contribution was given in accordance with the requirements for qualifying contributions. 21-A M.R.S. § 1125(3-B).

The Commission’s rules set forth the requirements for the Receipt & Acknowledgement Form. Under Chapter 3, Section (2)(4)(A)(5), the form must contain “[a]n 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, [and] that nothing was provided to the contributor in exchange for the contribution...” The requirement that the circulator must make the affirmation is set out in the Commission’s guidance materials for 2020 MCEA candidates, including the quick guide, the guidebook, and the submission packet checklist.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: [WWW.MAINE.GOV/ETHICS](http://WWW.MAINE.GOV/ETHICS)

PHONE: (207) 287-4179

FAX: (207) 287-6775

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

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.A. § 1125(4)) For candidates for the State House of Representatives, the statutory qualifying period ends at 5:00 p.m. on April 20<sup>th</sup>\* of the election year. (21-A M.R.S.A. § 1122(6)(B)) This year, Governor Janet T. Mills extended the qualifying period by Executive Order to May 19, 2020.

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

**II. Determination by Commission Staff**

When your verified Receipt & Acknowledgement Forms were delivered to the Commission on Thursday, May 21<sup>st</sup> (postmarked May 19<sup>th</sup>), you believed you were submitting 65 QCs. The Commission staff has determined that 7 QCs were invalid, and that you submitted a total number of 58 valid QCs.

Duplicate Contributions (3)

Three contributors contributed twice through the Commission’s online QC service. Anthony Castro donated on January 26<sup>th</sup> and April 6<sup>th</sup>, Peter Jederlinic donated on March 12<sup>th</sup> and April 20<sup>th</sup>. Anne Keith donated on February 20<sup>th</sup> and April 19<sup>th</sup>. Voter registration information was checked and no other individuals in your district share names with these contributors. We are counting one QC from each contributor.

Receipt & Acknowledgement Form Not Signed By Circulator (4)

Richard Erwin, Duane Martell, Jeanne Meuse, and Janna Vanier all donated QCs by cash. We received a Receipt & Acknowledgement Form signed by the contributors, four Cash QC Affirmation Forms signed by the contributors, and a \$20 money order. The circulator’s section of the Receipt & Acknowledgement Form was not completed. The form did not include the affirmation by the circulator required by Chapter 3, Section

Misty Coolidge  
Page 3  
May 29, 2020

(2)(4)(A)(5) of the Commission Rules. The contributors all live at different addresses, indicating that the Receipt & Acknowledgement Form was circulated by hand.

Thus, the Commission staff determined that your campaign submitted 58 valid QCs.

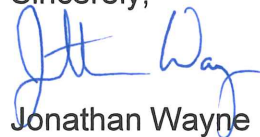
### III. Your Right to Appeal

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

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

The Commission is required to hold a hearing to consider the appeal within five calendar days of receiving the appeal. We might ask for your flexibility in scheduling the hearing outside the five-day period. The hearing would be held in accordance with the State Administrative Procedure Act (5 M.R.S.A. § 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 you may have concerning the Commission staff's determination.

Sincerely,



Jonathan Wayne  
Executive Director



**Maine Clean Election Act**  
**Qualifying Contributions - Receipt & Acknowledgement Form**

Candidate's Name: Misty Colledge

Office:  House  Senate District #: 65

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.

**RECEIVED**  
MAY 21 2020

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 &amp; 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
3/18/2020	<input type="checkbox"/> Check/MO # _____ <input checked="" type="checkbox"/> Cash \$5.00	Dora Marshall	198 Percich Hill Rd New Gloucester	<i>[Signature]</i>
3/18/2020	<input type="checkbox"/> Check/MO # _____ <input checked="" type="checkbox"/> Cash \$5.00	Richard Emwin	57 Douglas Rd New Gloucester	<i>[Signature]</i>
3/18/2020	<input type="checkbox"/> Check/MO # _____ <input checked="" type="checkbox"/> Cash \$5.00	JEANNE MEUSE	83 Fick Hatching Rd New Gloucester ME 04966	<i>[Signature]</i>
3/18/2020	<input type="checkbox"/> Check/MO # _____ <input checked="" type="checkbox"/> Cash \$5.00	Janna Vanier	372a Perich Hill Rd New Gloucester, ME 04966	<i>[Signature]</i>
/2020	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
/2020	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
/2020	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
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/2020	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			
/2020	<input type="checkbox"/> Check/MO # _____ <input type="checkbox"/> Cash \$ _____			

*Misty L. Coolidge*

Candidate for State House of Representatives  
207-671-7479 / misty.coolidge@gmail.com

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Misty Coolidge  
State Representative Candidate  
37 Peakcock Hill Road  
New Gloucester, ME 04260

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

June 4, 2020

Dear Chair Lee and Members of Ethics Commission:

I am writing to humbly and respectfully appeal the decision of the Ethics Commission Staff to deny my Clean Elections certification. The denial was because I forgot to sign a Receipt and Acknowledgement form as the circulator, thus canceling out the four contributor signatures on that form, bringing my total contributions from 62 to 58.

First, I want to acknowledge that I did not sign the Receipt and Acknowledgement form at the time of submission, and that is completely my fault. It was a simple oversight, but one I should have caught, and I am sorry and embarrassed that I have put myself and you in this position today. Second, I want to acknowledge that the Ethics Commission Staff showed an incredible amount of sympathy during the last several days, and for that, I am very grateful. It is at their urging that I am appealing this decision today.

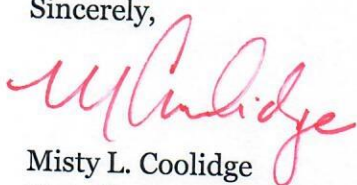
While I acknowledge that I did not sign the Receipt and Acknowledgement form and that it is your right to deny me Clean Elections certification, I would like to provide context to my efforts and reasons why I believe I earned certification.

- First, the four contributors who signed the Receipt and Acknowledge form and the accompanying cash forms, were valid contributors. They were entered into the online database and verified as registered voters in my House district by your online verification system. They contributed with cash, signed both forms, were verified as registered voters, and were therefore counted toward the total of 62 valid contributors.

- Second, I swear that I witnessed all four contributors contribute to my campaign and sign the Receipt and Acknowledgment form and the accompanying cash forms. Although I did not sign as the circulator, mistakenly, I attest to you, on my honor, that I did witness those signatures and that they are valid.
- Third, because the Ethics Commission office was closed to in-person visits by candidates, due to the COVID-19 pandemic, I was not able to turn in my paperwork in person and meet with Registrar Emma Burke personally to do a review of all of my paperwork upon submission, which is a common practice and something that I was able to do in 2018 when I ran previously. It is common for registrars, like Emma, to sit with candidates and make sure all paperwork is in order and to alert them to any missing forms or signatures. Had this been a normal time in our lives, I would have turned in my paperwork in person, Emma would have been able to point out my missing signature, I would have signed it on the spot, and we would not be here today. Instead, I called Emma the day I mailed all my forms to the Ethics Commission, and laboriously went through the certification check-list provided by your office. I am a very detail-oriented person, and I was nervous about forgetting something, and, of course, Emma did the best she could over the phone, but I ended up mistakenly forgetting to sign that one Receipt and Acknowledgement form.
- Fourth, and finally, I worked incredibly hard to collect the 62 Clean Election signatures, as did all the Clean Election candidates. Qualifying for Clean Elections was an especially difficult challenge this year – at home during the pandemic, running a business from my house with three small children at home (Eva and Caden are five, Grace is three). Qualifying for Clean Elections during this pandemic was certainly difficult this year, but I was so proud of qualifying and finishing when I put the forms in the mail. I would be mortified if all that work were for not because of one missing signature (my own signature!) on the Receipt and Acknowledge form. While I appreciate the significance of the signature, I beg you to consider that it should not discount and disqualify all of the work, effort, correctly submitted forms, and the valid 62 contributions that voters in my district made to my campaign.

Thank you very much for your time and consideration, and thank you to the Ethics Commission staff for being so helpful and professional through this process.

Sincerely,



Misty L. Coolidge  
State Representative Candidate

**MAINE REVISED STATUTES**  
**TITLE 21-A, CHAPTER 14: THE MAINE CLEAN ELECTION ACT**

...

**21-A § 1122. Definitions**

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

...

**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.

...

**21-A § 1125. Terms of participation**

...



**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, receipts and acknowledgment 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.

...



**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.

...

### 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.
2. **Order of Review.** The Commission will review candidate requests for certification in the order in which they are received, except that it will give priority to those candidates who are in a contested primary election.
3. **Unspent Seed Money.** In order to distribute funds expeditiously, the Commission will deduct from the initial distribution from the Fund to a certified candidate an amount equal to the amount of unspent seed money reported by that candidate.
4. **Certification.** The Commission will certify a candidate as a *Maine Clean Election Act* candidate upon the participating candidate's satisfaction of the requirements of the Act and this chapter.
5. **Appeals.** Any appeals challenging a certification decision by the Commission must be in accordance with the Act [§1125(14)].





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

To: Commissioners  
From: Jonathan Wayne, Executive Director  
Date: November 30, 2017  
Re: Policy on Fixing Defective Qualifying Contributions

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This memo describes the procedures by which 2018 Maine Clean Election Act candidates may fix qualifying contributions (QCs) when a check or money order, or a Receipt and 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* and to sit down with a Commission employee for a “Quick Check” to identify any problems with the QCs that could be fixed by the candidate before the deadline.

<b>Deadlines for Submitting QCs</b>			
	<b>To qualify for basic level of funding (certification)</b>	<b>To receive supplemental payments for primary election</b>	<b>To receive supplemental payments for general election</b>
<b>Gubernatorial</b>	April 2	May 22	October 16
<b>Legislative</b>	April 20	---	October 16

Candidates who submit QCs at the last minute or near the deadline increase the risk that 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 and acknowledgement Form or the Commission's online QC service.
2. **Signed Check or Money Order:** The QC must 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 a credit or debit transaction of \$5.00 or more made through the Commission's online QC service.
3. **Personal Funds:** The funds must be the contributor's personal funds.
4. **Receipt & Acknowledgement Form:** The check or signed money order must be accompanied by an R&A Form signed by the contributor and by the person who circulated the form, 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 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 receipt and acknowledgement 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.

<b>Common Defects or Issues</b>		
	<b>Defect or Issue</b>	<b>Potential Fix (before applicable deadline)</b>
1	Check or money order is made out to candidate, rather than MCE Fund	Candidate may endorse check or money order to MCE Fund
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 R&A Form was not brought to the Registrar of Voters to verify the voter registration of contributors	Commission staff will reject QCs on the R&A Form until the candidate submits the Registrar's verification
7	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
8	The money order submitted for a cash contribution does not contain the contributor's signature, or the name is printed (by the contributor or someone else)	Commission staff will reject the QC, until the candidate obtains the contributor's signature on a cash receipt form (new)
9	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
10	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)
11	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.
12	Contributor is not registered to vote within the electoral division for the office sought by the candidate	No fix allowed.

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

Prior to the April 2 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 that *after* the applicable April 2 or 20 deadline, candidates may *not* fix most of the defects and issues listed on page 3 in order to have the QC count for the certification threshold. Of the defects listed on page 3, only two issues may be fixed after-deadline: (1) endorsing a check written to the candidate, or (2) 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 22 or October 16, 2018 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 22 and October 16 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 22 or October 16 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 money order. 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.