



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

Commission Meeting 07/20/2016  
Agenda Item #4

**To:** Commissioners

**From:** Jonathan Wayne, Executive Director  
Emma Burke, Candidate Registrar

**Date** July 12, 2016

**Re:** Potential Violation of Seed Money Requirements – State Senate Candidate Joanne Twomey

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### **Introduction**

Joanne Twomey was a Maine Clean Election Act (MCEA) candidate in the June 14, 2016 Democratic primary election for the Maine Senate, District 32. Because she had an opponent in the election, Ms. Twomey received \$10,000 in MCEA funds for the primary. The incumbent, State Senator Susan Deschambault, won the election.

On April 28, 2016, Ms. Twomey paid \$2,500 in MCEA funds to Perry Aberle. In her campaign finance report, she explained the purpose of the expenditure as: “Designed all campaign materials, collected clean election checks, organized and attended all campaign events and caucuses. A time card available.” Candidate Registrar Emma Burke requested the timesheet as part of the Commission staff’s compliance review.

According to the timesheet (attached), the Commission staff calculated that Ms. Twomey paid Mr. Aberle \$1,585 in MCEA funds for work that he performed prior to Ms. Twomey qualifying for MCEA funding (referred to in the statute as “certification”). This work included the collection by Mr. Aberle of more than 50 qualifying contributions which were necessary for Ms. Twomey to receive MCEA funding. The Commission staff has preliminarily determined that this payment of \$1,585 to Mr. Aberle was not permitted by the terms of the MCEA. Prior to qualifying for MCEA funding, a candidate must pay for all goods and services received with seed money (contributions of up to \$100 received from individuals.) The seed money statute specifically forbids a candidate from using

MCEA funds to retroactively pay for goods or services received prior to certification. One concern in this matter is the potential appearance that Joanne Twomey used MCEA funds to qualify for MCEA funds. While this violation may have been unintentional, it was not insignificant and the staff feels obliged to bring it to your attention at a public meeting.

### **Joanne Twomey’s Campaign**

Ms. Twomey has run as an MCEA candidate for the Legislature four times previously; this is her fifth MCEA-funded campaign. The following table summarizes Ms. Twomey’s financial activities for the 2016 primary election (the return of MCEA funds is pending):

Seed money collected	\$120.00
MCEA Payments	\$10,000.00
Expenditures	\$8,619.99
Returned MCEA Funds	-\$1,500.01
Cash balance	\$0.00

The payment of \$2,500 to Mr. Aberle represented roughly 30% of Ms. Twomey’s total spending for the primary election. She plans to return 15% of the MCEA funds she received.

### **Applicable Law**

Candidates seeking MCEA funding must use seed money to pay for all goods and services received prior to certification as an MCEA candidate. The candidates are specifically prohibited from using MCEA funds to pay for services received before qualifying for public funds:

**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 a contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a participating candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

(21-A M.R.S.A. § 1125(2-A)(A)) This restriction is explained on pages 7-9 of the 2016 Candidate Guidebook for MCEA candidates (attached, the relevant provisions have been highlighted).

### **Expenditure at Issue**

On April 28, 2016, Ms. Twomey paid Perry Aberle \$2,500 for services provided to the campaign. The timesheet is attached for your reference. The services prior to April 20<sup>th</sup> are as follows:

- “Meeting with Joanne to discuss campaign run and pick up supplies to organize campaign” – *January 2016 - 2 hours/\$30*
- “Meeting with campaign volunteers” – *February 2016 - 2 hours/\$30*
- “Canvassing for qualifying checks” – *February, March, and April 2016 - 57 hours/\$855*
- “Design Banner and info sheet for caucus” – *March 2016 - 4 hours/\$200*
- “Meet with joanne to make changes to the banner and info sheet and go over ideas for caucus” [*sic*] – *March 2016 - 1 hour/\$50*
- “Set up caucus in biddeford and Kennebunk and man the table with Ryan” – *March 2016 - 7 hours/\$105*
- “Finish getting signatures” – *March 2016 - 7 hours/\$105*
- “go to city clerks office, then augusta to turn in signatures” – *March 2016 - 6 hours/\$90*
- “Trip to Augusta to turn in checks” – *April 2016 - 8 hours/\$120*

### **Enforcement Correspondence with Ms. Twomey**

On June 30, 2016, the Commission staff emailed and mailed a letter to Joanne Twomey alerting her to a possible finding of violation and penalty. We invited her to respond by July 8 in order to schedule this for your July 20 meeting. The Commission's Executive Director followed up on July 11 with a phone call. Ms. Twomey said she had not received the June 30 letter, but would attend the July 20 meeting to respond. She explained that if she must repay the \$1,585 paid to Mr. Aberle for pre-certification services, she would need a payment plan because her income is limited. The Commission staff confirmed the conversation in another letter dated July 11.

### **Staff Recommendation**

Candidates qualify for MCEA funds by demonstrating a threshold of public support within their legislative districts through collecting qualifying contributions (QCs). A candidate for State Senate is required to collect 175 QCs from registered voters in the district. A candidate may qualify through their own labor or through volunteers. The candidate may pay someone to collect QCs for them, but only with seed money. (Senate candidates may collect up to \$1,500 in seed money prior to qualifying for MCEA funding.)

In addition to violating the seed money statute, one of the concerns of the staff in this matter is the potential appearance that Ms. Twomey qualified for MCEA funding only with the assistance of someone who was paid with public campaign funds for their labor. Some members of the public could find a disconcerting bootstrapping element to the situation, if they understood the circumstances. There is also the issue of fairness to other candidates who tried to qualify for MCEA funds within the seed money restrictions, but fell short.

We are referring this matter to you to take whatever action you believe is fair under the circumstances. Some monetary consequence *may* be appropriate to deter future candidates from engaging in this behavior. We recognize that this violation may have been unintentional by Ms. Twomey, but the MCEA Candidate Guidebook contains

cautions that could have prevented this situation, if that language had been read and internalized by Ms. Twomey or Mr. Aberle.

*Recommended finding of violation*

The staff recommends that you find that the payment of \$1,585 to Mr. Aberle was a violation of the seed money restrictions, pursuant to 21-A M.R.S.A. § 1125(2-A)(A).

*Potential penalty or repayment*

The Commission staff suggests that you consider a monetary consequence for this violation of the seed money restrictions. No candidate has been assessed a penalty for this precise violation, although there was a similar finding of violation and penalty involving 2006 independent candidate for Governor Barbara Merrill. Ms. Merrill was a former lobbyist and had served in the Maine House of Representatives. She qualified to receive \$915,732 in MCEA funding for the 2016 elections. Shortly after the June campaign finance reports were filed, she was the subject of a complaint by another independent candidate, John Michael, who had failed to qualify for MCEA funding. He believed that it was unfair that Barbara Merrill had qualified for MCEA funding by relying on persons whom Ms. Merrill promised to reimburse once she received public campaign funds. That enforcement action arose in the middle of the 2006 election year, and the stakes were higher due to the large amount of MCEA funding she received. The Commission assessed penalties totaling \$10,000 against the candidate, but chose not to disqualify her.

In the case of Ms. Twomey, the Commission may wish to consider options such as:

- assessing a penalty in the range of \$250 to \$500, pursuant to 21-A M.R.S.A. § 1127(1) (the statute authorizes the Commission to assess penalties of up to \$10,000 for violations of the Maine Clean Election Act), and/or
- requiring Ms. Twomey to repay the \$1,585 expenditure, pursuant to 21-A M.R.S.A. § 1127(1);

Thank you for your consideration of this memo.



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 2016 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
MRS. JOANNE THERESA TWOMEY 246 ELM STREET BIDDEFORD, ME 04005 PHONE: (207) 283-3178 EMAIL: JT@JOANNETWOMEY.COM		CLAUDIA CANTARA 54 GUINEA ROAD BIDDEFORD, ME 04005 PHONE: (207) 494-8537 EMAIL: CLAUDIA.22@NETZERO.COM	
REPORT	DUE DATE	REPORTING PERIOD	
11-DAY PRE-PRIMARY REPORT	06/03/2016	04/21/2016 - 05/31/2016	

#### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$0.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$120.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$10,000.00	\$10,000.00
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$5,203.52	\$5,323.52
7. CASH BALANCE AT CLOSE OF PERIOD	\$4,796.48	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, EMMA BURKE, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: EMMA BURKE  
REPORT FILED ON: 06/04/2016  
LAST MODIFIED: 06/04/2016  
PRINTED: 07/12/2016  
COMMITTEE ID: 8913

**SCHEDULE B  
EXPENDITURES**

**EXPENDITURE TYPES**

CNS Campaign consultants	POL Polling and survey research
CON Contribution to other candidate, party, committee	POS Postage for U.S. Mail and mail box fees
EQP Equipment (office machines, furniture, cell phones, etc.)	PRO Other professional services
FND Fundraising events	PRT Print media ads only (newspapers, magazines, etc.)
FOD Food for campaign events, volunteers	RAD Radio ads, production costs
LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL Campaign workers' salaries and personnel costs
MHS Mail house (all services purchased)	TRV Travel (fuel, mileage, lodging, etc.)
OFF Office rent, utilities, phone and internet services, supplies	TVN TV or cable ads, production costs
OTH Other	WEB Website design, registration, hosting, maintenance, etc.
PHO Phone banks, automated telephone calls	



DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
4/28/2016	PERRY V ABERLEE 239 ELM ST BIDDEFORD, ME 04005	DESIGNED ALL CAMPAIGN MATERIALS, COLLECTED CLEAN ELECTION CHECKS, ORGANIZED AND ATTENDED ALL CAMPAIGN EVENTS AND CAUCUSES.A TIME CARD AVAILABLE.	SAL	\$2,500.00
5/6/2016	AQUATIC TECH 37 GABRIEL DRIVE AUGUSTA, ME 04330	CAMPAIGN SIGNS	LIT	\$1,048.67
5/6/2016	HANNAFORD'S 299 ELM ST BIDDEFORD, ME 04005	COFFEE SUPPLIES, BOTTLED WATER FOR CAMPAIGN WORKERS.	FOD	\$100.53
5/11/2016	BIG APPLE ALFRED ROAD BIDDEFORD, ME 04005	GAS FOR DOORS	TRV	\$28.02
5/11/2016	COPY IT 469 ELM ST BIDDEFORD, ME 04005	FOR CANVASSING	LIT	\$48.18
5/12/2016	ROLAND LAWLER 6 BROOK ST BIDDEFORD, ME 04005	WEBSITE DESIGN	WEB	\$74.10
5/12/2016	ROLAND LAWLER 6 BROOK ST BIDDEFORD, ME 04005	WEB HOSTING	WEB	\$40.00
5/13/2016	DUPUIS HARDWARE 4 SPRUCE STREET BIDDEFORD, ME 04005	SUPPLIES FOR SIGNS	OFF	\$24.04
5/13/2016	HANNAFORD'S 299 ELM ST BIDDEFORD, ME 04005	FOOD AND SUPPLIES FOR EVENTS AT SENIOR HOMES FOR ABSENTEE VOTING. COLD CUTS, BREAD, FRUIT, CHIPS.	FOD	\$65.53
5/15/2016	PIZZA BY ALEX 93 ALFRED STREET BIDDEFORD, ME 04005	FED CAMPAIGN VOLUNTEERS THAT HELPED PUT SIGNS OUT.	FOD	\$42.25



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

June 30, 2016

**By Email and Regular Mail**

Hon. Joanne Twomey  
246 Elm Street  
Biddeford, Maine 04005

Dear Ms. Twomey:

This letter is in regards to your payment of \$2,500 in Maine Clean Election Act (MCEA) funds to Perry Aberle on April 28, 2016. According to the timesheet that Mr. Aberle provided to the Commission staff, we have calculated that you paid Mr. Aberle \$1,585 in MCEA funds for work that he performed before you qualified for public campaign funds. This work included the collection of more than 50 qualifying contributions which were critical to you qualifying for MCEA funds. The Commission staff has preliminarily determined that this payment of \$1,585 to Mr. Aberle was not permitted by the terms of the MCEA. One concern we have is the appearance that public campaign funds were used by a candidate to retroactively pay for assistance in qualifying for those funds. Because we view this as a significant violation, we will be scheduling the matter to be considered by the Commissioners for possible further action, such as a civil penalty.

**Prohibition on using MCEA Funds for Services Received before Certification**

Candidates seeking MCEA funding must use seed money to pay for all goods and services received prior to qualifying for public funds (referred to as "certification" in the statute). The candidates are specifically prohibited from using MCEA funds to pay for services received prior to certification:

**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 a contribution in section 1012, subsection 2, paragraph B. It is a violation of this chapter for a participating candidate to use fund revenues received after certification to pay for goods and services received prior to certification.

(21-A M.R.S.A. § 1125(2-A)(A)) This restriction is explained on pages 7-9 of the 2016 Candidate Guidebook for MCEA candidates (see enclosures; the relevant provisions have been highlighted).

### **Opportunity to Respond to Proposed Violation**

The Commission staff has tentatively scheduled this for consideration by the Commissioners at their next regular meeting on July 20, 2016, in order to be resolved soon. You are welcome to submit any written response you would like by Friday, July 8. We recommend that you attend the meeting in person to respond to the proposed finding of violation and possible penalty. If you need more time to submit a written response or if you prefer a later meeting date, our office could schedule this item for the Commission's August 31 meeting. In any case, we will schedule your request for a waiver of late-filing penalty for the same meeting.

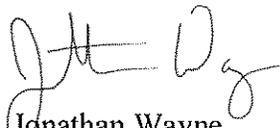
In offering a recommended outcome to the Commissioners, the Commission staff will take into consideration any written response by you. Based on the information presently available to us, the Commission staff intends to recommend a moderate penalty for the violation and to suggest the return of \$1,585 from the campaign. Please be aware that the Commissioners are authorized to assess penalties of up to \$10,000 for violations of the MCEA (21-A M.R.S.A. § 1127(A)) and may even seek revocation of MCEA status for failing to comply with seed money restrictions (21-A M.R.S.A. § 1125(5-A)(E)).

Hon. Joanne Twomey  
Page 3  
June 30, 2016

You may wish to consider the return of \$1,585 to the Maine Clean Election Fund prior to the Commission meeting, which could be considered a mitigating factor by the Commission when deciding upon a violation and/or penalty.

I intend to call you tomorrow to confirm your receipt of this letter by electronic mail. If you have any questions concerning this, please call me or Candidate Registrar Emma Burke at 287-4179. (I will be out of the office on July 5-6).

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

Enclosures



## CHAPTER 2

### Seed Money

*Please refer to highlighted areas.*

#### SEED MONEY

**Seed Money Contributions.** After registering with the Commission and signing the Declaration of Intent, a candidate becomes a “participating candidate.” Before becoming a certified MCEA candidate, participating candidates finance their campaigns through limited contributions of \$100 or less from individuals, which are called seed money contributions.

TOTAL AMOUNT OF SEED MONEY THAT MAY BE COLLECTED:	
The total of cash and in-kind seed money contributions cannot exceed the amounts below:	
House	Senate
\$1,000	\$3,000

Candidates for State Representative in the 2016 elections may collect up to \$1,000 in seed money, and candidates for State Senator may collect up to \$3,000. Seed money contributions may be from individuals who live in Maine or out-of-state. Prior to MCEA certification, the campaign may not accept cash contributions other than seed money contributions. Loans may not be accepted.

**Seed Money Restrictions.** The acceptance and use of seed money must comply with the following restrictions:

- only individuals may make seed money contributions, up to \$100 per contributor;
- all seed money contributions must be from the personal funds of the individual;
- candidates and their family members may each give up to \$100 in seed money, provided the money comes from the personal funds of the contributor and not from another member of the family;
- no contribution may be accepted from businesses, groups, or associations, such as PACs, party committees, labor unions, or trade associations; and
- during a legislative session, lobbyists, lobbyist associates, and their clients may not make seed money contributions to the Governor, Legislators, constitutional officers, or their staff and agents (even with their personal funds).

All expenditures made prior to MCEA certification must be made with seed money, and not from any other source of funds, including the personal funds of the candidate.

**In-Kind Seed Money Contributions.** Goods and services that are provided to a campaign at no cost or at a discounted cost are in-kind contributions. In-kind contributions must be reported in the Seed Money Report and must comply with the seed money restrictions. If goods or services are provided at a cost



that is less than fair market value, the amount of the discount is an in-kind contribution.

Certain types of goods and services are excluded from the legal definition of “contribution.” The donation of these “exempt” goods and services to a campaign is not considered a contribution. Candidates are not required to report these exempt goods and services, and they are not subject to the seed money restrictions. See the Appendix for more information.

#### ***Required Records of Seed Money Contributions.***

All candidates are required to keep a “detailed and exact account” of all contributions received. If a contributor has given more than \$10, the campaign records must include:

- the name and address of the contributor, and
- the date and amount of the contribution.

If the contributor has given more than \$50 in the aggregate, the campaign must also keep a record of the contributor's occupation and employer. The Commission may request these records to verify that all contributions comply with the seed money restrictions.

#### ***Occupation and Employer of Contributors.***

Campaigns are required to disclose in campaign finance reports the occupation and employer of contributors who have given seed money contributions over \$50. The Commission's Rules require campaigns to make reasonable efforts to obtain this information from contributors.

The Commission staff recommends that campaigns ask the contributors for their occupation and employer information at the time contributions are solicited. If a

campaign has requested the information and is unable to receive it from a contributor, the treasurer should enter “information requested” when entering the transaction.

***Depositing Seed Money.*** All seed money contributions received by a campaign must be deposited in the campaign bank account. Seed money contributions received by check may not be cashed to create cash reserves for a campaign. If a campaign receives any seed money contributions in the form of cash, these contributions must be deposited in the campaign bank account. Campaign funds received by an MCEA candidate cannot be commingled with any other funds.

By depositing all seed money contributions into the campaign bank account, and by paying vendors directly from the account, a campaign creates an audit trail that satisfies the documentation requirements of the MCEA and assures the Commission the campaign has complied with the seed money restrictions.

***Spending Seed Money.*** Candidates should remember that prior to certification they may spend only seed money. They are prohibited from accepting and spending any other funds, including loans.

Purchases made with the candidate's personal funds for campaign goods and services that are not reimbursed by the campaign are in-kind contributions. A candidate may contribute up to \$100 in seed money, in the aggregate (cash contributions and in-kind contributions), to his or her campaign prior to certification.

**Goods and services received prior to MCEA certification must be paid for with seed money.**



Candidates may never use MCEA funds to pay for goods and services received prior to MCEA certification. It is a serious violation to do so and could potentially result in the revocation of the candidate's certification. A candidate must raise a sufficient amount of seed money to cover his or her campaign expenses prior to MCEA certification.

Sometimes a candidate wishes to place an order with a vendor prior to MCEA certification, but the order costs more than the amount of seed money the candidate has raised. It is permissible to place the order, partially pay the vendor with seed money, and have an outstanding obligation to the vendor, as long as the value of the goods or services that the candidate receives prior to MCEA certification does not exceed the amount of the actual payment to the vendor.

***Purchasing Equipment with Seed Money.*** The requirement to resell campaign equipment purchased with MCEA funds does not apply to equipment purchased with seed money. Therefore, campaigns may wish to consider purchasing campaign equipment (phones, printers, computers, tablets, cameras, *etc.*) with seed money.

Campaign property or equipment purchased with seed money — unlike equipment purchased with MCEA funds — does not have to be sold at fair market value at the end of the campaign.

***Using Seed Money for Payments to Family or Household Members.*** The restrictions on using MCEA funds to compensate family or household members do not apply to expenditures of seed money. See the Appendix for the policy and the restrictions on using MCEA funds to pay family or household members.

Candidates may use seed money to pay members of a candidate's family or household, but the campaign must report the family or other relationship (e.g., "brother" or "roommate") in the Explanation of Purpose section in the campaign finance report.

***Reporting Seed Money Contributions and Expenditures.*** Contributions and expenditures of seed money must be reported to the Commission by filing a Seed Money Report. Most candidates file a Seed Money Report when they submit their Request for Certification along with their qualifying contributions, but the Seed Money Report may be submitted after the certification deadline, provided the candidate has requested an extension of time.

***Unspent Seed Money.*** Any unspent seed money shown on the Seed Money Report will be deducted from the first payment of MCEA funds. A Seed Money Report must accurately disclose the amounts that were spent (expenditures), and amounts that were obligated but not paid (unpaid debts and obligations). If an unpaid obligation is reported as an expenditure, Commission staff may view the inaccurate reporting as a violation of the MCEA, because it had the effect of increasing the amount of the first MCEA payment received.

#### **COMPLIANCE REVIEWS OF SEED MONEY REPORTS**

The Commission reviews all Seed Money Reports to verify compliance with reporting requirements and seed money restrictions. Misrepresentations of the identity of seed money contributors or the actual source of funds for a contribution will be viewed as a serious violation of the Election Law. If a candidate has any questions about whether a contribution or expenditure will comply with the seed money restrictions, he or she is



STATE OF MAINE  
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July 11, 2016

**By Email and Priority Mail**

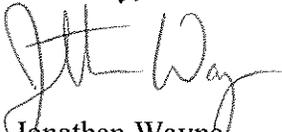
Hon. Joanne Twomey  
246 Elm Street  
Biddeford, Maine 04005

Dear Ms. Twomey:

Thank you for speaking to me today by telephone. This letter is to confirm our conversation. You advised me that you did not receive my June 30, 2016 letter notifying you that the campaign's payment of \$1,585 in Maine Clean Election Act (MCEA) funds to Perry Aberle appears to be a violation of the MCEA program. I explained that the Commission staff believes it needs to present this matter to the Commissioners at a public meeting for possible further action and suggested that it be considered on July 20, 2016.

Please attend the Commission meeting in person on Wednesday, July 20 at our office at 45 Memorial Circle in Augusta to respond to the proposed finding of violation and possible penalty and/or repayment order. Although the meeting begins at 9:00 a.m., I suggest arriving around 10:00 a.m., due to other business on the agenda.

If you would like to submit any explanation or response in advance of the meeting, I will circulate it to the Commissioners upon receiving it. My mailing address is above and my email address is [Jonathan.Wayne@maine.gov](mailto:Jonathan.Wayne@maine.gov). Thank you.

Sincerely,  
  
Jonathan Wayne  
Executive Director

**Maine Revised Statutes**  
**Title 21-A: ELECTIONS**

**Chapter 14: THE MAINE CLEAN ELECTION ACT HEADING: IB 1995, c. 1,  
§17 (new)**

**§1125. TERMS OF PARTICIPATION**

**1. Declaration of intent.** A participating candidate must 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 requirement in subsection 3.

[ 2011, c. 389, §51 (AMD) .]

**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; [2009, c. 363, §2 (AMD) .]

B. One thousand five hundred dollars for a candidate for the State Senate; or [1995, c. 1, §17 (NEW) .]

C. Five hundred dollars for a candidate for the State House of Representatives. [1995, c. 1, §17 (NEW) .]

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

[ 2009, c. 363, §2 (AMD) .]

**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 participating candidate to use fund revenues received after certification to pay for goods and services received prior to certification. [2007, c. 443, Pt. B, §6 (NEW) .]

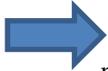
B. Prior to certification, a participating candidate may obligate an amount greater than the seed money collected, but may only receive that portion of goods and services that has been paid for or will be paid for with seed money. A participating candidate who has accepted contributions or made expenditures 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. [2007, c. 443, Pt. B, §6 (NEW) .]

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-A. [2009, c. 302, §11 (AMD); 2009, c. 302, §24 (AFF) .]

**Maine Revised Statutes**  
**Title 21-A: ELECTIONS**

**Chapter 14: THE MAINE CLEAN ELECTION ACT HEADING: IB 1995, c. 1,  
§17 (new)**

**§1127. VIOLATIONS**



**1. Civil fine.** In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund. In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the political committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. A final determination by the commission may be appealed to Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. Fines assessed or orders for return of funds issued by the commission pursuant to this subsection that are not paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

[ 2011, c. 558, §10 (AMD) .]

**2. Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

[ 1995, c. 1, §17 (NEW) .]

**SECTION HISTORY**

IB 1995, c. 1, §17 (NEW). 2003, c. 81, §1 (AMD). 2005, c. 301, §33 (AMD). 2005, c. 542, §6 (AMD). 2009, c. 302, §23 (AMD). 2011, c. 558, §10 (AMD).

**Work Log For Joanne Twomey for Senate Campaign 2016**  
**Perry Aberle**

<b>Date</b>	<b>Description</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
1/28/2016	Meeting with Joanne to discuss campaign run and pick up supplies to organize campaign	2	\$15 \$	30.00
1/29/2016				
1/30/2016				
1/31/2016				
2/1/2016	Meeting with campaign volunteers	2	\$15 \$	30.00
2/2/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/3/2016	Canvassing for qualifying checks	3	\$15 \$	45.00
2/4/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/5/2016	Canvassing for qualifying checks	4	\$15 \$	60.00
2/6/2016	Canvassing for qualifying checks	3	\$15 \$	45.00
2/7/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/8/2016	Canvassing for qualifying checks	4	\$15 \$	60.00
2/9/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/10/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/11/2016	Canvassing for qualifying checks	2	\$15 \$	30.00
2/12/2016				
2/13/2016				
2/14/2016				
2/15/2016				
2/16/2016				
2/17/2016				
2/18/2016				
2/19/2016				
2/20/2016				
2/21/2016				
2/22/2016				
2/23/2016				
2/24/2016				
2/25/2016				

2/26/2016				
2/27/2016				
2/28/2016				
2/29/2016				
3/1/2016	Design Banner and info sheet for the caucus	4	\$50	\$200
3/2/2016	Meet with joanne to make changes to the banner and info sheet and go over ideas for caucus	1	\$50	\$50
3/3/2016				
3/4/2016				
3/5/2016				
3/6/2016				
3/7/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
3/8/2016	Canvassing for qualifying checks	4	\$15	\$ 60.00
3/9/2016	Canvassing for qualifying checks	2	\$15	\$ 30.00
3/10/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
3/11/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
3/12/2016	Set up caucus in biddeford and kennebunk and man the table with Ryan	7	\$15	\$ 105.00
3/13/2016	Finish getting signatures	4	\$15	\$ 60.00
3/14/2016	Finish getting signatures	3	\$15	\$ 45.00
3/15/2016	go to city clerks office, then augusta to turn in signatures	6	\$15	\$ 90.00
3/16/2016				
3/17/2016				
3/18/2016				
3/19/2016				
3/20/2016				
3/21/2016				
3/22/2016				
3/23/2016				
3/24/2016				
3/25/2016				
3/26/2016				
3/27/2016				
3/28/2016				
3/29/2016				
3/30/2016				

3/31/2016				
4/1/2016				
4/2/2016				
4/3/2016				
4/4/2016				
4/5/2016				
4/6/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
4/7/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
4/8/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
4/9/2016				
4/10/2016				
4/11/2016	Canvassing for qualifying checks	3	\$15	\$ 45.00
4/12/2016	Canvassing for qualifying checks	2	\$15	\$ 30.00
4/13/2016	Canvassing for qualifying checks	2	\$15	\$ 30.00
4/14/2016				
4/15/2016	Trip to Augusta to turn in checks	8	\$15	\$ 120.00
4/16/2016				
4/17/2016				
4/18/2016				
4/19/2016				
4/20/2016				
4/21/2016				
4/22/2016				
4/23/2016				
4/24/2016	Unavailable 4-21 to 4-27			
4/25/2016				
4/26/2016				
4/27/2016				
4/28/2016	Design Signs for aquatech	4	\$50	\$ 200.00
4/29/2016	Unavailable			
4/30/2016	Meet with joanne to make changes to signs and send to printer	2	\$50	\$ 100.00
5/1/2016				
5/2/2016				
5/3/2016	Unavailable 5/2 to 5/5			

5/4/2016					
5/5/2016					
5/6/2016	Pick up supplies	2	\$15	\$	30.00
5/7/2016	Design Post card	3	\$50	\$	150.00
5/8/2016	Pick up signs in augusta	4	\$15	\$	60.00
5/9/2016	Go over changes with joanne on post card	1	\$50	\$	50.00
5/10/2016					
5/11/2016					
5/12/2016	Meeting with Roland Lawler to make changes to joannes website	2	\$15	\$	30.00
5/13/2016	supplies for event at senior homes	2	\$15	\$	30.00
5/14/2016					
5/15/2016	Put up signs in Biddeford	6	\$15	\$	90.00
5/16/2016	supplies for canvassing and help ladies get cards ready for doors				
5/17/2016					
5/18/2016					
5/19/2016	canvassing	3	\$15	\$	45.00
5/20/2016					
5/21/2016					
5/22/2016					
5/23/2016	signs in kennebunkport	5	\$15	\$	75.00
5/24/2016					
5/25/2016	meeting with joanne for event	2	\$15	\$	30.00
5/26/2016					
5/27/2016	Unavailable 5-26 to 5-29				
5/28/2016					
5/29/2016					
5/30/2016	event at ledgewoods	3	\$15	\$	45.00
5/31/2016	Signs in arundel, alfred and lyman	8	\$15	\$	120.00
6/1/2016					
6/2/2016					
6/3/2016					
6/4/2016					
6/5/2016					
6/6/2016					

6/7/2016				
6/8/2016				
6/9/2016				
6/10/2016				
6/11/2016	Phone banking GOTV	3	\$15 \$	45.00
6/12/2016	Phone banking GOTV	3	\$15 \$	45.00
6/13/2016	Phone banking GOTV	3	\$15 \$	45.00
6/14/2016	Standing at the polls in Alfred and Lyman and pick up food at 6 for party	6	\$15 \$	90.00
6/15/2016				
6/16/2016	Take down signs	3	\$15 \$	45.00
6/17/2016	Take down signs	7	\$15 \$	105.00
6/18/2016				
6/19/2016				
6/20/2016				
6/21/2016				
6/22/2016				

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<b>Total</b>			\$	<b>3,015.00</b>
<b>Discount</b>				<b>(\$315)</b>