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

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: March 27, 2008

Re: Additional Matter for March 31 Meeting - Carl J. Young

Carl J. Young is a candidate for the House of Representative in District #65. Because he did not file one required form when he registered as a candidate, he will be present at the March 31 meeting to ask your guidance about preserving his opportunity to qualify for Maine Clean Election Act (MCEA) funding.

Mr. Young registered as a candidate by faxing his registration form to our office during the evening of December 19, 2007. He has intended to be a MCEA candidate. Unfortunately, when he registered he did not submit the attached Declaration of Intent (DOI) form stating his intention to qualify for MCEA funding.

To qualify for MCEA funds as a House candidate, he must collect 50 qualifying contributions from registered voters in his district, and submit them to our office by April 15. Qualifying contributions are checks or money orders in the amount of $5 made payable to the Maine Clean Election Fund. A qualifying contribution is not considered valid if the candidate collected it from the contributor more than 5 business days before filing the DOI form:

> A participating candidate must submit a declaration of intent within 5 business days of collecting qualifying contributions under this chapter. Qualifying contributions collected before the declaration of intent has been filed will not be counted toward the eligibility requirement in subsection 3. (21-A MRSA §1125(1))

Mr. Young collected 54 qualifying contributions and filed them yesterday with our office, at which time we discovered he had not filed the DOI form. He filed the form yesterday, March 26. Based on the language in Section 1125(1), the staff view is that only those qualifying contributions accepted on or after March 19 are valid. (In our view the wording of the final sentence in the section is unclear, but we believe the Legislature intended a grace period of five business days between beginning to collect qualifying contributions and the filing of the DOI form.)

It appears that, at this time, Mr. Young only has 13 valid qualifying contributions. Fortunately, he filed his paperwork early, so he has sufficient opportunity to fix the situation.

Staff Recommendation

One option available to Mr. Young is to go back to the individual contributors and ask them to contribute a second time to his campaign. (If he chose this option, we presume that he would want to return to the contributors the $5 he originally collected from them.)

In order to save time for the contributors and for Mr. Young, the staff recommends that he be permitted to:

- visit the contributors with the original check and receipt and acknowledgement form signed by the contributors,
- request that the contributors cross out the original dates, and
- request that the contributors insert the current date and initial the change. (Proposed examples are attached.)

I am copying Mr. Young's primary and general election opponents on this memo so that they are aware of their opportunity to comment on this issue at the March 31 meeting if they care to.

cp

cc: Carl J. Young
Susan H. Wasserott
Peter S. Kent

MAINE CLEAN ELECTION ACT

QUALIFYING CONTRIBUTIONS - RECEIPT AND ACKNOWLEDGEMENT

COMMISSION ON GOVERNMENTAL
ETHICS AND ELECTION PRACTICES
135 State House Station
Augusta, ME 04333
207-287-4179
www.maine.gov/ethics

CANDIDATE'S NAME: CARL YOUNG OFFICE: ☑ House ☐ Senate (Please check box above) DISTRICT # 65

ALL CONTRIBUTORS MUST BE FROM THE TOWN OR CITY OF: WOOLWICH

RECEIVED
MAR 26 2008
MAINE ETHICS COMMISSI

IMPORTANT NOTICE TO CONTRIBUTORS:

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

	Date	Check/M.O.#	Contributor's Name (Please Print)	Residential Address (No PO Box)	Contributor's Signature
1	~~3-1-08~~ 4-2-08 EP	618	Elizabeth Pajak	629 Middle Rd.	Elizabeth Pajak
4-2-08 PS 2	~~3-2-08~~	2424	Deane Stanton	90 Hockomock Rd.	Deane Stanton
NO	3/2/08	2425	Amy Stanton	90 Hockomock Rd	Amy Stanton
4	3-2-08	1096	M. Cecile Tetrer	37 Stonewall Trail	M. Cecile Tetrer
5	3/14/08	786	Lloyd F. Coombs, Jr.	8 Brookside Drive	Lloyd F Coombs
6	3/14/08	1610	Lorna P. Andrews	79 Old Stage Rd	Lorna P. Andrews
7	3/14/08	1609	David L. Andrews	79 Old Stage Rd	[illegible]
8	3/18/08	545	Richard Willard	[illegible]	[illegible]

Please make checks and money orders payable to Mai

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.

I have verified that 7 contributors circled above are registered to vote in the electoral division of the candidate.

Date: 3/26/08

Signature of Registrar: Jeanne F. Bernard

ELIZABETH A. PAJAK
MICHAEL W. PAJAK
629 MIDDLE RD 207-443-1717
WOOLWICH, ME 04379

4/01/2008 EP 618

Date ~~3/01/2008~~ 62-7246/2112

Pay to the Order of Maine Clean Elections Fund $ 5.00

FIVE ONLY Dollars

Gardiner Savings Institution, FSB
Gardiner, Maine 04345

For Carl Young

Elizabeth Pajak