



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

**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
April 28, 2023**

Senator Hickman, Representative Supica, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Commission on Governmental Ethics and Election Practices. Thank you for the opportunity to testify concerning **L.D. 247**.

The bill addresses when candidates seeking to replace another candidate on an election ballot may begin to collect qualifying contributions to be eligible to receive Maine Clean Election Act funds (the beginning of the “qualifying period”). This is particularly relevant for the roughly 30 people who would like to become their party’s nominee in June-July when a “placeholder” or “paper” candidate for the Legislature has withdrawn. These people become the nominee of their political party at a local caucus. In many cases, only one person is seeking to replace the withdrawing candidate. In some cases, however, two or more people are vying to fill the position, and the nominee is selected by the party activists attending the caucus.

Since the mid-2000’s, the Commission’s rule, Chapter 3, § 9(2), stated that the qualifying period for the post-primary replacement candidates began when the candidates were nominated at their local party caucus, which is often held around the third week of July. In a 2022 rulemaking, the Commission received comments from the Senate Republican and House Democratic caucuses. In response, the Commission provisionally adopted an amendment stating that the qualifying period will begin when the Secretary of State receives a notice of withdrawal or declares a vacancy. *We very much appreciate* the VLA Committee removing this topic from our rulemaking, which will allow the rulemaking resolve (L.D. 391) to progress through the 131st Legislature more easily. Thank you.

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From: Shawn Roderick <roderickshawn@gmail.com>
Sent: Saturday, December 10, 2022 9:54 PM
To: Wayne, Jonathan <Jonathan.Wayne@maine.gov>
Cc: Currier, Martha <Martha.Currier@maine.gov>
Subject: Re: Rule Amendments

Hi Jonathan,

Sorry for the delay in getting this in, things have been a little crazy. Below is my attempt at writing the rule that I spoke at the Commission meeting about. As I said, what I would like to see happen is once you register with the Commission you are able to start collecting \$5 contributions. Right now, as you are aware you are able to register and collect seed money but not \$5 contributions until you are the candidate at the caucus. I do not see this change any different as you are able to collect \$5 contributions on January 1 as long as you are registered with the Commission before you turn in your signatures to the Secretary of State to be the official candidate on the ballot. I attempted to write the rule below to reflect this change.

Please let me know if you have any clarifying questions and thanks for the opportunity.

Shawn Roderick

Maine Senate Republicans

207-458-2973

A. ~~Death, Withdrawal, or Disqualification Before Primary Election.~~ Qualifying Periods for Replacement Candidates. If a candidate dies, withdraws, or is disqualified before the primary an election, any replacement candidate will become a participating candidate once registered with the Commission. Once registered a participating candidate may begin to collect qualifying contributions immediately. The deadline to apply for certification will be established by the Commission.

Sean Smith, Director
Maine House Democratic Campaign Committee
P.O. Box 2021
Augusta, ME 04338

Jonathan Wayne, Executive Director
Maine Commission on Governmental and Election Practices
45 Memorial Circle
Augusta, ME 04330

December 11, 2022

Dear Mr Wayne and Commission Members:

On behalf of the Maine House Democratic Campaign Committee, which oversees the elections in all 151 House Districts on behalf of Maine House Democratic leadership and House members, I am writing to express our strong support for expanding the qualifying period for replacement candidates using the Maine Clean Elections program.

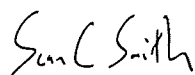
We believe that the qualifying period for replacement candidates should begin immediately once the Secretary of State's Office declares a vacancy and the candidates register with the Ethics Commission. There is no reason to make these candidates wait weeks (often several) for nominating caucuses to occur before they are permitted to begin collecting qualifying contributions. Oftentimes these nominating caucuses are uncontested and mere formalities, and the caucuses are not scheduled until weeks after the official vacancy is declared. Candidates are forced to wait to begin collecting qualifying contributions well into July, several weeks after the primary has occurred and the primary candidate has withdrawn.

We believe that replacement candidates should be governed by similar rules used for special election candidates, which allows candidates who have registered with the Ethics Commission, to begin collecting qualifying contributions once a vacancy has been declared in a district. We believe that this rule change brings consistency and fairness to the system, and does not arbitrarily force replacement candidates, who have registered as official candidates, to delay their already-late-starting campaigns by several more weeks.

We also feel that implementation of this rule should not be at the discretion of Ethics staff. In cases where vacancies have been declared and candidates have registered with the Commission as Clean Elections candidates, we feel that the rules should permit these candidates to begin collecting qualifying contributions immediately.

We appreciate the Ethics staff proposing this rule change and we are grateful for the Commission considering its adoption and submission to the Legislature for approval.

Sincerely,



Sean Smith
Maine House Democratic Campaign Committee, Director

Candidate Withdrawals and Replacement Candidate Nominations for the November 8, 2022 General Election

Prepared by the Office of the Secretary of State -- As of September 19, 2022

Ofc.	Dist.	Pty	Withdrawn Candidate	Date Withdrawn	Replacement Candidate	Residence	Mailing Address	Date Received
SS	2	D	Laura A. Farnsworth	6/21/22	Danielle A. Fienberg	Presque Isle	36 Turner Street, Presque Isle, ME 04769	7/25/22
SS	9	R	James D. Plowman	6/21/22	Suzette Furrow	Bangor	200 15 th Street, Bangor, ME 04401	7/22/22
SS	19	D	Timothy A. Carter	7/11/22	Matthew R. Bean	Andover	551 S. Main Street, Andover, ME 04216	7/22/22
SS	28	R	Ryan McMann	7/7/22	Susan M. Abercrombie	Portland	48 Mailly Road, Portland, ME 04103	7/22/22
SR	1	D	Toby D. Jandreau	6/27/22	Dana Marie Appleby	St. John Plantation	2432 St. John Road, St. John Plt., ME 04743	7/20/22
SR	7	D	Michael E. Carpenter	7/11/22				
SR	13	D	Barbara W. Reeve	7/8/22	J. Mark Worth	Ellsworth	34 Sterling Street, Ellsworth, ME 04605	7/25/22
SR	17	D	Pamela W. Person	7/6/22	Ronald B. Russell	Verona Island	PO Box 353, Bucksport, ME 04416	7/21/22
SR	21	D	Barbara A. Cardone	7/9/22	Ambureen Rana	Bangor	124 West Broadway, Bangor, ME 04401	7/25/22
SR	23	R	David J. Pece	9/12/22	No replacement allowed- withdrew after deadline	Candidate's name will remain on the ballot pursuant to Title 21-A, section 374-A(3), which states if a candidate withdraws less than 70 days before the General Election, the candidate's name will not be removed from the ballot.		
SR	27	D	Julie Vaillancourt	6/23/22	Peter A. Crockett	Argyle Township	2782 Edinburg Road, Argyle Twp., ME 04468	7/20/22
SR	28	R	Jeffery Allen Gifford (Deceased)	6/12/22	Irene A. Gifford	Lincoln	346 Frost Street, Lincoln, ME 04457	7/20/22
SR	35	D	Candace Augustine	7/12/22	No replacement allowed- withdrew after deadline			
SR	40	R	Tricia M. Harrington	6/24/22	Joseph M. McLaughlin	Lincolnville	36 Lily Lane, Lincolnville, ME 04849	7/21/22
SR	49	R	Richard H. Tetrev	7/11/22	Kelly James	Georgetown	47 Snowman Lane, Georgetown, ME 04548	7/22/22
SR	52	D	Seth A. Berry	7/8/22	Sally Jeane Cluchey	Bowdoinham	15 Brickyard Way, Bowdoinham, ME 04008	7/20/22
SR	63	D	Phillip Bloomstein	7/8/22				
SR	78	R	Josanne C. Dolloff	7/11/22	Rachel Ann Henderson	Rumford	87 Holyoke Avenue, Rumford, ME 04276	7/14/22
SR	79	D	Don R. Berry	7/11/22				
SR	88	R	Patrick W. Munsell	7/11/22	James W. Sorcek	Auburn	31 Pinnacle Drive, Auburn, ME 04210	7/19/22
SR	90	D	Amy Dieterich	7/11/22	Thomas Fogarty	Auburn	368 W. Auburn Road, Auburn, ME 04210	7/25/22
SR	90	D	Thomas Fogarty	8/18/22	No replacement allowed- withdrew after deadline			
SR	95	R	Fred O. Sanborn-Silvers	8/18/22	No replacement allowed- withdrew after deadline			

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Ofc.	Dist.	Pty	Withdrawn Candidate	Date Withdrawn	Replacement Candidate	Residence	Mailing Address	Date Received
SR	96	D	John V. Myrand	7/11/22	Michel A. Lajoie	Lewiston	279 Old Greene Road, Lewiston, ME 04240	7/22/22
SR	100	R	Angela D. Lallier	7/11/22				
SR	103	R	William C. Gardiner	6/21/22				
SR	106	D	Jonathan Priest	7/7/22	Dana Reed	Windham	25 Underwood Way, Windham, ME 04062	7/22/22
SR	107	D	Paul C. Fullam	7/8/22	Jane Pringle	Windham	3 Great Falls Road, Windham, ME 04062	7/22/22
SR	108	R	Stephanie R. Cressey	7/11/22				
SR	111	R	Christopher Mark Storms	6/21/22	Jeffrey York	Falmouth	129 Mast Road, Falmouth, ME 04105	7/25/22
SR	114	R	Daniel L. Merrill	8/30/22	No replacement allowed-withdrew after deadline			
SR	115	R	Andrew T. Mahaleris	7/11/22				
SR	120	D	Victoria Morales	6/22/22	Deqa Dhalac	South Portland	10 Red Oak Drive, Apt 2A, South Portland, ME 04106	7/18/22
SR	125	R	Christopher A. Bolduc	6/22/22	Alan R. Livingston	Scarborough	15 Plaza Drive, Suite 302, Scarborough, ME 04074	7/25/22
SR	125	D	Christopher J. Caiazzo	7/8/22	Kelly Noonan Murphy	Scarborough	5 Woodfield Drive, Scarborough, ME 04074	7/20/22
SR	126	R	Leslie Eugene Smith, Jr.	7/8/22	Jared Hayes Hirshfield	Kennebunk	10 Laurel Circle, Kennebunk, ME 04043	7/22/22
SR	135	R	Todd DiFede	7/7/22	No replacement allowed-withdrew after deadline	Candidate's name will remain on the ballot pursuant to Title 21-A, section 374-A(3), which states if a candidate withdraws less than 70 days before the General Election, the candidate's name will not be removed from the ballot.		
SR	140	D	Kirstan L. Watson	9/19/22				
SR	142	D	Joseph Robert Hanslip	6/28/22	Anne-Marie Mastraccio	Sanford	23 Lebanon Street, Sanford, ME 04073	7/22/22
SR	143	R	Matthew J. Toth	6/17/22	Ann Marie Fredericks	Sanford	PO Box 102, Acton, ME 04001	7/12/22
SR	151	R	Howard L. Patten	7/11/22				
SH	KNO	D	Timothy Carroll	7/7/22	Patrick W. Polky	Saint George	19 Caddy Road, Saint George, ME 04860	7/22/22
CT	PEN	D	Stephen S. Stanley	6/29/22	Kimberly A.G. Boucher	Bangor	44 Munroe Street, Bangor, ME 04401	7/25/22
CC	ARO 1	R	Kristy L. Swallow	7/6/22	William Dobbins	Houlton	PO Box 70, Houlton, ME 04730	7/21/22