



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  
February 3, 2025**

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. On behalf of the Commission staff, thank you for the opportunity to describe the value of the cash qualifying contribution affirmation form from our perspective as administrators. We recognize that candidates and members of the public may see the form differently.

The vast majority of Maine Clean Election Act (MCEA) candidates are scrupulous in how they collect qualifying contributions (QCs) and how they document them. Candidates are required to have each contributor sign a Receipt and Acknowledgement (R&A) form (Attachment A) unless the contributor gave by credit card. Unfortunately, we find a number of situations each year in which someone other than the contributor has signed the contributor's name to the R&A form. Some of the cases are less serious, but in the worst case situations we find one or two candidates each election year who have systematically cheated on collecting QCs or documenting them.<sup>1</sup>

We have found that QCs made by cash present a greater risk of fraud because we do not receive a check or credit card document proving who provided the cash. The cash QC affirmation form increases our confidence that the contributor is the actual source of the cash, for two reasons.

First, we believe that most members of the public do not read the affirmation at the top of the R&A form. The form looks like a petition. Some members of the public will sign the R&A form just to support the candidate *even if they did not make a QC*. On the

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<sup>1</sup> Some cases have resulted in criminal prosecutions: [www.maine.gov/ethics/candidates/criminal-violations](http://www.maine.gov/ethics/candidates/criminal-violations).

cash QC affirmation form (Attachment B), the phrase “I have given **\$5 in cash from my personal funds**” is in bold, underlined font. We believe most people signing the form immediately understand what they are affirming. When our office receives the cash QC affirmation form, we believe it’s likely that the cash actually came from the contributor.

Second, our Candidate Registrars review more than 30,000 QCs each election year. They compare contributors’ signatures on the forms and checks, and look for discrepancies or patterns. For a QC made by cash, when they see *two signatures that match* (one on the R&A form and one on the cash QC affirmation form), that increases our confidence that the named contributor actually signed both forms.

While we are focused on reducing mistake and fraud, we encourage the Committee to weigh our testimony with the points of view of candidates and members of the public at today’s hearing. We believe the cash QC affirmation form is manageable if candidates are collecting QCs from voters face to face, but we appreciate it may cause complications when QCs are collected through other methods.

Finally, in judging the appropriate amount of documentation needed to qualify for MCEA funding, we think the Committee should be aware of the amount of funding available to legislative candidates and the number of QCs they need to collect:

| House           | # of QCs | Funding  | Senate          | # of QCs | Funding  |
|-----------------|----------|----------|-----------------|----------|----------|
| Basic funding * | 60       | \$7,300  | Basic funding * | 175      | \$29,150 |
| Max funding**   | 180      | \$20,500 | Max funding**   | 535      | \$82,150 |

\*assumes candidate has no opponent in the primary election but general is contested

\*\*assumes candidate goes on to collect eight supplemental payments

Thank you for your consideration of this testimony.



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

Candidate's Name: \_\_\_\_\_

Office:  House  Senate District #: \_\_\_\_\_

**Notice to Contributors:**

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

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

| Date      | Payment Info<br><small>Mark payment method &amp; include check/MO number or cash amount</small> | Contributor's Name (Print Legibly) | Contributor's Residential Address<br><small>Must include street address and town (No PO Boxes)</small> | Contributor's Signature |
|-----------|---|------------------------------------|--|-------------------------|
| 1 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 2 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 3 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 4 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 5 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 6 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 7 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 8 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 9 / 2024  | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |
| 10 / 2024 | <input type="checkbox"/> Check/MO # _____<br><input type="checkbox"/> Cash \$ _____             |                                    |  |                         |

**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: \_\_\_\_\_



Maine Clean Election Act
Cash Qualifying Contribution Affirmation Form

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

I, \_\_\_\_\_, affirm that I have given \_\_\_\_\_
(Contributor's printed name) (Candidate's printed name)

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

Contributor's Signature

Date

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

Falsifying anything on this form is punishable by law.



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History of Cash Qualifying Contribution Affirmation Form

Candidates who collect qualifying contributions (QCs) in cash have always needed to submit special documentation of the contribution to the Ethics Commission to qualify for Maine Clean Election Act (MCEA) funding.

Through the 2018 election, candidates were required to purchase \$5 money orders which would become part of the transaction when a contributor wanted to make a QC in cash. The contributor would “buy” the money order from the candidate, and then would sign both the money order and the Receipt and Acknowledgment (R&A) form. The candidate would submit the signed money order and R&A form to the Commission when they applied for MCEA funds.

In 2019, the Legislature enacted a new procedure. P.L. 2019, c. 323, § 29. Under this procedure, a candidate was not required to obtain individual money orders. Instead, they could accept the cash and have each contributor sign a cash QC Affirmation form indicating they had used \$5 in cash from their personal funds. The candidate would then be able to use the cash collected from multiple contributors to purchase a bulk money order after the fact. 21-A M.R.S. §1125(3)(F). This new law was proposed by the Ethics Commission in 2019 as a variation on a 2017 bill proposed by former Senator David Miramant.

In effect, beginning in 2019 the cash QC affirmation form replaced the old requirement that the candidate needed to purchase \$5 money orders that would be signed by the contributors and submitted to the Commission. The Commission has used the cash QC affirmation form during the 2020, 2022, and 2024 elections.