



Minutes of the July 27, 2022 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William J. Schneider, Esq., Chair; David R. Hastings, Esq.; Dennis R. Marble; and Stacey D. Neumann, Esq.

Participating via Zoom: Sarah E. LeClaire, Esq.

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General

Commissioner Schneider convened the meeting at 9:15 am. The meeting was livestreamed via YouTube.

The Commission considered the following items:

1. Ratification of Meeting Minutes: June 22, 2022

Mr. Schneider moved to adopt the June 22, 2022 minutes. Mr. Marble seconded the motion. Motion passed 5-0.

2. Campaign Finance Reporting: U.S. Term Limits

At the June 22, 2022 meeting, the Commission determined that the costs of mailings by U.S. Term Limits (USTL) were independent expenditures (IEs) and directed USTL to file the necessary reports. Mr. Wayne said that following the meeting, USTL filed a political action committee registration, an IE report, and a campaign finance report which appeared to be complete.

Attorney Caitlyn Contestable, representing USTL, expressed gratitude for the Commission staff's assistance processing the required documents.

Mr. Schneider moved to adopt a written IE decision included with the meeting packet. Ms. Neumann seconded the motion. Motion passed 5-0.

Mr. Schneider moved to take no further action on enforcement in this case. Mr. Marble seconded the motion. Motion passed 5-0.

3. Commission Policy on Posting Meeting Videos to YouTube

Mr. Wayne explained that since May 2020 Commission meetings have been livestreamed on YouTube. The video recordings have been made available upon request by adjusting the privacy settings for the videos. Mr. John Brautigam, on behalf of the Maine Freedom of Information

Coalition, Maine Citizens for Clean Elections, and the League of Women Voters of Maine, asked that recordings of Commission meetings be more readily available as they provide more insight into the thought process of Commission decisions than the meeting minutes.

Mr. Schneider moved to make the Commission's meeting videos accessible on YouTube as the default position. Ms. Neumann seconded the motion. Motion passed 5-0

4. Investigation of Software Provided by American Legislative Exchange Council (ALEC)

After a brief introduction by Mr. Wayne, Commissioner LeClaire presented a draft motion that she had prepared and had been circulated by the Commission staff the previous day. Mr. Schneider suggested that the Commission take more time to consider the draft motion to give it the attention it deserved. In response to a question from Mr. Marble, Mr. Wayne confirmed that the staff could begin educating candidates on the issue of receiving campaign software.

After the Commission discussed aspects of Commissioner LeClaire's motion, Mr. Schneider moved to postpone consideration of the motion until the next meeting, and that staff in the meantime work on educational materials for the candidates. Mr. Marble seconded the motion. Motion passed 5-0. The Commission members decided to work independently on language for a proposed motion that Mr. Wayne would distribute to the Commission.

5. Proposed Changes to Remote Participation Policy

The Commission considered proposed revisions to the Commission's remote participation policy that had been prepared by Commission staff and Counsel. Members discussed whether any changes were necessary to section 4 of the policy, which sets an expectation that people requesting action by the Commission (*e.g.*, a penalty waiver) will attend in person. For good cause shown, the person may participate remotely. The Commissioners agreed that a large travel distance would qualify as good cause for participating remotely, which has been the past practice of the Commission staff in applying the policy. Ms. Neumann expressed that the Commission should interpret good cause leniently. Mr. Schneider said that if someone has a real reason for not attending the Commission meeting in person, remote participation should be possible. Commissioners noted that in-person presentations to the Commission are often more effective.

Mr. Schneider said that he wanted to propose some edits but suggested discussion of the edits after a motion to adopt the policy. Mr. Schneider moved to adopt the Policy on Remote Participation in Ethics Commission Meetings. Mr. Marble seconded the motion. The motion passed 5-0.

Mr. Schneider moved to amend the policy with some small edits. He said that he preferred the hardship standard in section 2 for when a Commission member may participate in a Commission meeting remotely and suggested changing “temporarily” to “temporary.” In section 5, he suggested removing an unnecessary phrase from the end of a sentence. Ms. Neumann said she preferred to return to the “not practicable” language, rather than the hardship standard. Ms. LeClaire agreed.

Mr. Schneider changed his motion to amend the recommended Policy on Remote Participation in Ethics Commission Meetings by adopting the “be impracticable” standard in all of the locations where it appears, by editing “temporarily” to “temporary,” and by removing “consistent with the staffing and technological resources of the Commission” from the second sentence in paragraph five. Ms. Neumann seconded the motion. The motion passed 5-0.

Other Business

None

Adjournment

Ms. Neumann made a motion, seconded by Mr. Marble, to adjourn. The motion passed 5-0. The meeting adjourned at 10:15 a.m.

Respectfully submitted,
/s/ Jonathan Wayne
Jonathan Wayne, Executive Director