



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

To: Commissioners
From: Martha Currier, Assistant Director
Date: April 18, 2024
Re: Citizens for a Bright Future for the Boothbay Region

Maine's ballot question committee (BQC) statute regarding municipal referendum reporting was updated in October 2023 to require filings with the Commission for towns with populations less than 15,000. Boothbay and Boothbay Harbor have a referendum election on April 24, 2024 regarding funding of a new school building. The Commission received a complaint on April 11, 2024 regarding lawn signs and multiple advertisements in the Boothbay Register newspaper by *Citizens for a Bright Future for the Boothbay Region* ("Bright Future") promoting passage of the referendum. The complaint asks whether the sponsors of the signs and ads should register and file campaign finance reports with the Commission. One additional issue (raised by staff) is whether the communications included the proper disclaimer. The purpose of this memo is to request the Commission's consideration of an investigation into this complaint.

BACKGROUND

Ms. Denise Griffin of Boothbay Harbor who created a group opposing the referendum, *Common Sense Solutions*, filed a complaint with the Commission on April 11, 2024 because she believes Bright Future has spent more than \$5,000 in advertising to support the referendum based on 14 advertisements in the Boothbay Register and lawn signs posted throughout town. She estimated the cost for these expenditures was at least \$6,700, which would trigger registration and reporting requirements with the Commission. Commission staff found an additional online advertisement on April 17, 2024 that included an open letter to the community urging support of the referendum.

To pre-emptively resolve this matter, Commission staff contacted the Boothbay Register inquiring whether they would provide information about the purchaser of the advertisements. They have not responded to that request. Additionally, staff reached out to people in the community who may be aware of the group, such as the chair of the school district's board of

trustees putting out the referendum; and individuals listed on the April 17, 2024 open letter. Three individuals indicated that Michelle Amero asked them to sign onto the letter.

When contacted by staff, Ms. Amero said she didn't know who was running the group but asked for an email from staff to find out. This preliminary investigation indicated that Paul Coulombe, a part-time resident with business interests in the area, is involved in the communications promoting the referendum. He sent an email assuring Commission staff that Bright Future would "comply with all laws and regulations" and it is expected that a representative of Mr. Coulombe will participate in the meeting. The staff is hopeful that this means that this matter will be resolved soon; however, Commission statute and rules regarding complaints and investigations require your attention in this matter.

FILING REQUIREMENTS

A BQC is defined as a person (either an individual or organization) that receives contributions or makes expenditures of more than \$5,000 for the purpose of initiating or influencing a ballot question campaign. 21-A M.R.S. § 1052(2-A). Once a BQC raises or spends more than \$5,000 to influence a municipal referendum in a town with less than 15,000 people, the BQC is required to register with the Commission. 21-A M.R.S. §§ 1052-A(1)(A-1) & 1053-A. Within seven days after registration, the BQC must file an Initial Campaign Finance Report, covering all financial activities through the day of registration. 21-A M.R.S. § 1059. Registered BQCs are also required to file regular campaign finance reports with the Commission. 21-A M.R.S. § 1059(2). In addition to financial reporting requirements, paid communications (e.g., ads or signs) costing more than \$500 expressly advocating support for a referendum must include the name and the address of the person(s) who paid for the communication. 21-A M.R.S. § 1055-A.

STAFF RECOMMENDATION

Staff recommend an investigation into *Citizens for a Bright Future for the Boothbay Region* to determine whether they have met the disclosure requirements set forth in Maine law. If they are required to file with the Commission, staff will work with them to file a registration and adhere to all campaign finance reporting obligations. Any issues regarding potential late-filing penalties, and disclaimers on campaign advertising would be considered in the future.

Formal Complaint Regarding A BQC In The Boothbay Region

1 message

denise griffin <dgriffin368@gmail.com>
To: "ethics@maine.gov" <ethics@maine.gov>
Cc: denise griffin <dgriffin368@gmail.com>

Thu, Apr 11, 2024 at 11:42 AM

Dear Sir/Madam:

The Boothbay-Boothbay Harbor Community School District is holding a referendum on April 24, 2024 for a bond in the amount of \$ 29,975,000.00. See here (and the Town of Boothbay has an identical ballot):

https://www.boothbayharbor.org/uploads/visual_edit/sample-ballot-csd.pdf

A group calling themselves "Citizens for a bright future for the Boothbay Region " appears to have spent more than \$ 5,000.00 in advertising to support the bond referendum noted above. I believe they have not registered as a BQC. Specifically, they have placed (paper) advertisements in the local newspaper, the Boothbay Register, as follows:

2/29/24: 2 ads estimated at \$ 800.00
3/7/24: 2 ads estimated at \$ 800.00
3/14/24: 2 ads estimated at \$ 800.00
3/21/24: 2 ads estimated at \$ 800.00
3/28/24: 1 small and 1 large ad estimated at \$ 1900.00
4/4/24: 2 ads estimated at \$ 800.00
4/11/24: 2 ads estimated at \$ 800.00

Furthermore, they have spent additional funds on on-line advertising (cost unknown but likely at least \$ 600.00) and on road signage (cost unknown but likely to be at least \$ 400.00).

Therefore, I am filing a formal complaint because I believe this group has violated the BQC statute which took effect on October 25, 2023. I am asking that you investigate.

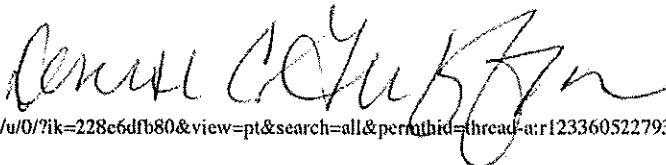
I do not know who is behind this group. I would like to know who the group's treasurer is and who the donors are.

I can only give you information about the newspaper: <https://www.boothbayregister.com/contact-us-who-we-are>

In the interest of transparency, please note that I have organized a group called Common Sense Solutions. This group has spent a total of \$ 2,297.00 to defeat the referendum.

Please feel free to contact me if you have any questions.

Sincerely,





Visit our partners: Wiscasset Newspaper PenBay Pilot

- Home
- News
- Talk
- Work
- Calendar
- Sports
- Culture
- Life

BUSINESS DIRECTORY CLASSIFIEDS PUBLIC NOTICES

Enter your keywords

SUBSCRIBE EDITION CONTACT US LOGIN

VOTE YES ON APRIL 24

COMMUNITY LETTER OF SUPPORT

CLICK HERE

Support our children and our schools!

Photo by Deborah A. High House for the Boothbay Register

LETTER TO THE EDITOR

Don't buy it

Fri, 04/12/2024 - 3:30pm

Dear Editor:

Voters correctly turned down the building of a new \$28 million middle school structure once before, and they should turn down the proposed \$30 million

VOTE YES April 24

COMMUNITY LETTER OF SUPPORT

CLICK HERE

Support our children and our schools!

Support the Boothbay Register »

Please help sustain local journalism. Become an online member today.

Join Today Member Login

Catch your local news daily ...

Breaking news as it happens ...

Sign up for our email newsletters:

Sign up now

Already signed up

No thank you

Boothbay Register

4/17/2024, 9:14 a.m.

CLICK HERE page follows (Community Letter of Support)

VOTE YES ON APRIL 24

Community Letter of Support

Dear Citizens of Boothbay/Boothbay Harbor,

We are writing to express our support for the referendum for the Boothbay Region Elementary and Middle School renovation project. This is an important decision for our children, school, and community.

The school needs this work, and it is time to act.

If you have questions regarding the project, please visit www.boothbayregionschools.org/bres

Please vote YES on April 24.

Peggy & I.J. Pinkham	Leslie & Brian Blethen	Kate McEvoy Rice & Matt Rice	Tricia & Jason Campbell	Ronnie & Jaime Campbell
Bruce & Medea Harris	Ken & Pat Benoit	Steve & Jennifer Lorrain	Paul & Louise Cowan	Jenny Chen & Ian Ronan
Jax van der Veen & Ewan Hepburn	Jeremy & Lacey Phelps	Robert & Robin Jordan	Steve & Martha Malcom	Nick Gorey
John Nunan & Casey Martin Nunan	Sue Sherman	Tony Poxson	Elizabeth Evans	Betsy & Alan Hills
Ben Rankins	Elizabeth Tilton	George Friant & Stacey Miller Friant	Michael & Barbara Fritz	Rob & Sandy Wheeler
Lori & Bill Bailey	Angie McLellan	Kathy McCullough	John Hepburn & Chelsea Simmons	Ted & Lauren Brown
Becky Poff Alley	Alison Evans & Chris Fritz	Sarah Baldwin	Julie & Paul Roberts	Ashley Miller
Dawn Harmon Murphy	Michelle Amero & Jeromey House	Brandy & Corey Pottle	Jane Good	Michael Roberts
Adam & Deb Smart	Cheryl & Ted Nelson	Angelo & Liz DiGiulian	Ashley Simmons	Sandy Poxson
Alan Baldwin	Robert Dana	Chris & Cathi Berrin	Jennifer Whitney	Sarah Mundy
Ashlee Long Lowery	Sandy Timberlake	Michael & Dimsie McBride	Alex Tallen	Byron Cortez & Elliot Schwartz
Jenessa Garrett & Larry Ayer	Christina Lorrain	John & Liz Suczynski	Peter Penagore	Erik Bertelsen
Russ & Giselle Armstrong	Kate Sullivan-Cody	John Webster	Dawn & Bob Kidd	Grace Campbell
Patrice Connolly	Hannah Joule Wayda	Lenore M. Imhof, Esq.	Suzie Speed	Drew & Erica Peck
Jennifer Lassen	Kevin & Mame Anthony	Patty Colhoun	Nick & Jess Lesner	Brooke Harmon
Michelle Mittle	Alaina Weinheimer	Jess Upham	Barb Carbone-Crocker	Abby Jones
Kristin Harmon	Maggie Connolly	Sarah Hodgdon	Caroline Earl Ivens	Darrell Gudroe
Vicki Reinecke	Emma & Dave Benner	Jean Connolly	Heather Haggett	Katie Clark
Stacy Laird	Kelly Johnson Campbell	Caleb Hodgdon	Alice Grant	Mike & Harley Barthes
Mary Connolly				

Let's invest in our children and the future of our community.

nbay nomination
ers due March 7

APRIL 24
The Board of
Education will
hold a public hearing
on the proposed
budget for the
2005-2006 school
year. The hearing
will be held on
Thursday, April 21,
at 7:00 p.m. in the
Board Room of the
School District of
Chicago Heights.
All interested parties
are invited to attend.
For more information,
please call the
Superintendent of
Schools at (708) 438-1000.

Brought to you by

DATE	HIGH		LOW		MOON
	AM	PM	AM	PM	
Feb 28	52	32	28	24	WAXING
Mar 1	53	33	29	25	WAXING
Mar 2	54	34	30	26	WAXING
Mar 3	55	35	31	27	WAXING
Mar 4	56	36	32	28	WAXING
Mar 5	57	37	33	29	WAXING
Mar 6	58	38	34	30	WAXING
Mar 7	59	39	35	31	WAXING
Mar 8	60	40	36	32	WAXING
Mar 9	61	41	37	33	WAXING
Mar 10	62	42	38	34	WAXING
Mar 11	63	43	39	35	WAXING
Mar 12	64	44	40	36	WAXING
Mar 13	65	45	41	37	WAXING
Mar 14	66	46	42	38	WAXING
Mar 15	67	47	43	39	WAXING
Mar 16	68	48	44	40	WAXING
Mar 17	69	49	45	41	WAXING
Mar 18	70	50	46	42	WAXING
Mar 19	71	51	47	43	WAXING
Mar 20	72	52	48	44	WAXING
Mar 21	73	53	49	45	WAXING
Mar 22	74	54	50	46	WAXING
Mar 23	75	55	51	47	WAXING
Mar 24	76	56	52	48	WAXING
Mar 25	77	57	53	49	WAXING
Mar 26	78	58	54	50	WAXING
Mar 27	79	59	55	51	WAXING
Mar 28	80	60	56	52	WAXING
Mar 29	81	61	57	53	WAXING
Mar 30	82	62	58	54	WAXING
Mar 31	83	63	59	55	WAXING

Time & Tides

USHARBORS
SUNSHINE - SUNSET - SEA BREEZE

Mar 28 - Mar 29 - Mar 30 - Mar 31

VOTE YES

on April 24

Support our schools!

DYSFUNCTIONAL HEATING: ROOMS ARE COLD
LEAD PIPES/MOLD/MILDEW: BAD FOR ASTHMATIC KIDS
CLASSROOMS IN STORAGE CLOSETS: NO WINDOWS/AIR FILTRATION
DYSFUNCTIONAL PLUMBING: TOILETS THAT DON'T FLUSH
OUR KIDS DESERVE BETTER.



Chicago Heights School District

VOTE YES

On April 24

SUPPORT OUR SCHOOLS!

21-A M.R.S. § 1052. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

...

2-A. Ballot question committee. “Ballot question committee” means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term “ballot question committee” does not include a political action committee or an exempt donor.

...

21-A § 1052-A. Registration

A committee shall register with the commission and amend its registration as required by this section. A registration is not timely filed unless it contains all the information required in this section.

1. Deadlines to file and amend registrations. A committee shall register and file amendments with the commission according to the following schedule.

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (5) shall register with the commission within 7 days of receiving contributions or making expenditures in the aggregate in excess of \$2,500.

A-1. A ballot question committee shall register with the commission within 7 days of receiving contributions or making expenditures in the aggregate in excess of \$5,000.

A-2. A registered committee that does not qualify for an exception to registration pursuant to subsection 1-A shall register as a political action committee or ballot question committee, as applicable, within 7 days of exceeding the \$10,000 threshold specified in subsection 1-A.

B. A committee shall amend the registration within 10 days of a change in the information that committees are required to disclose under this section.

C. A committee shall file an updated registration form between January 1st and March 1st of each year in which a general election is held. The commission may waive the updated registration requirement for a newly registered political action committee or other registered committee if the commission determines that the requirement would cause an administrative burden disproportionate to the public benefit of the updated information.

1-A. [omitted]

2. Disclosure of treasurer and officers. A committee must have a treasurer and a principal officer. The same individual may not serve in both positions, unless the committee is an individual registering as a ballot question committee. The committee’s registration must contain the names and addresses of the following individuals:

- A.** The treasurer of the committee;
- B.** A principal officer of the committee;
- C.** Any other individuals who are primarily responsible for making decisions for the committee;
- D.** The individuals who are primarily responsible for raising contributions for the committee; and
- E.** The names of any other candidates or Legislators who have a significant role in fund-raising or decision-making for the committee.

3. Other disclosure requirements. A committee's registration must also include the following information:

- A.** A statement indicating the specific candidates, categories of candidates or campaigns or ballot questions that the committee expects to support or oppose;
- B.** If the committee is formed to influence the election of a single candidate, the name of that candidate;
- C.** The form or structure of the organization, such as a voluntary association, membership organization, corporation or any other structure by which the committee functions, and the date of origin or incorporation of the organization;
- D.** If the committee has been formed by one or more for-profit or nonprofit corporations or other organizations for the purpose of initiating or influencing a campaign, the names and addresses of the corporations or organizations;
- E.** The name of the account that the committee will use to deposit contributions and make expenditures pursuant to section 1054, and the name and address of the financial institution at which the account is established; and
 - E-1.** [2023, ch. 244, § 14 (RP).]
- F.** Any additional information reasonably required by the commission to monitor the activities of committees in this State under this subchapter.

4. Acknowledgment of responsibilities. The treasurer, principal officer and any other individuals who are primarily responsible for making decisions for the committee shall submit a signed statement acknowledging their responsibilities on a form prescribed by the commission within 10 days of registering the committee. The signed acknowledgment statement serves as notification of the responsibilities of the committee to comply with the financial reporting, record-keeping and other requirements of this chapter and the potential personal liability of the treasurer and principal officer for civil penalties assessed against the committee. The commission shall notify the committee of any individual who has failed to submit the acknowledgment statement. Failure to return the acknowledgment statement is a violation of this subchapter for which a fine of \$100 may be assessed against the committee. This section also applies to individuals named in an updated or amended registration required by this subsection who have not previously submitted an acknowledgment statement for the committee with the commission.

5. Resignation and removal. An individual who resigns as the treasurer, principal officer or primary decision maker of a committee shall submit a written resignation statement to the commission. An individual's resignation is not effective until the commission receives the written resignation statement from the individual. If an individual is involuntarily removed from the position of treasurer, principal officer or primary decision maker by the committee, the committee shall notify the commission in writing that the individual has been removed from the position. The commission may prescribe forms for these purposes.

6. Modified registration. The commission may adopt simplified registration procedures and forms for an individual registering as a ballot question committee to initiate or influence a ballot question.

21-A M.R.S. § 1053-A. Municipal elections (highlighting added)

If an organization qualifies as a committee under section 1052, subsection 2 and that organization receives contributions or makes expenditures to influence a municipal campaign in towns or cities with a population of 15,000 or more, that organization must register and file reports with the municipal clerk as required by Title 30-A, section 2502. **If an organization qualifies as a ballot question committee under section 1052, subsection 2-A and that organization makes expenditures exceeding \$5,000 to influence a municipal referendum campaign in a town or city with a population of less than 15,000, that organization must register and file reports with the commission using the electronic filing system pursuant to section 1059, subsection 5.** The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns in towns or cities with a population of 15,000 or more. If a municipal clerk becomes aware of a potential violation of this subchapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement. The commission may conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this subchapter has occurred, the commission may assess penalties provided in this subchapter.

21-A M.R.S. § 1055-A. Political communications to influence a ballot question

1. Communications to influence ballot question elections. Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, prerecorded automated telephone calls or scripted live telephone calls, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication, except that telephone calls must clearly state only the name of the person who made or financed the expenditure for the communication. A digital communication costing more than \$500 that includes a link to a publicly accessible website expressly advocating for or against an initiative or referendum that is on the ballot must clearly and conspicuously state the name of the person who made or financed the expenditure, unless the digital communication is excluded under subsection 2. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

2. Exceptions. The following forms of political communication do not require the name and address of the person who made or financed the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: clothing, envelopes and stationery, small promotional items, tickets to fundraisers and electronic media advertisements where compliance with this section would be impracticable due to size or character limitations and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. "Small promotional items" includes but is not limited to ashtrays, badges and badge holders, balloons, campaign buttons, coasters, combs, emery boards, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers and swizzle sticks.

3. Enforcement. A violation of this section may result in a penalty of no more than \$5,000. In assessing a penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it.

30-A M.R.S. § 2502. Campaign reports in municipal elections

1. Reports by candidates. A candidate for municipal office of a town or city with a population of 15,000 or more is governed by Title 21-A, sections 1001 to 1020-A, except that registrations and campaign finance reports must be filed with the municipal clerk instead of the Commission on Governmental Ethics and Election Practices. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days before an election for office. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to those sections.

A. [2009, ch. 366, § 10 (RP).]

2. Municipal referenda campaigns. Municipal referenda campaign finance reporting is governed by Title 21-A, chapter 13, subchapter 4.

3. Public access to records. A town or city that receives registrations or reports pursuant to this section must keep them for 8 years.