



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

Amended Agenda

Meeting of October 20, 2006

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the September 22, 2006 meeting

OLD BUSINESS

2. Request for Penalty Waiver/Edward Blais

Edward Blais was a write-in candidate in the Republican primary election for Cumberland County Sheriff. He received the required number of votes to become his party's nominee for the general election. As a candidate he was required to file a campaign finance report on July 25. He filed it 10 days late on August 4. The report disclosed that he received \$1,150 in cash contributions, \$222.00 in in-kind contributions, and made \$40.44 in expenditures. The preliminary amount of the penalty for the late filing is \$115.00 based on the statutory formula. Mr. Blais requests a waiver of the penalty because he had difficulty finding out from the Secretary of State's Office whether he had received sufficient votes to be a general election candidate. *Staff recommendation: the staff recommends reducing the penalty by 50% to \$57.50. Because he was a write-in candidate and the staff did not know of his candidacy, he did not receive a late-filing notice sent three days after the July 25 deadline.*

3. Report on Auditing Maine Clean Election Act Candidates

The Commission staff has begun its program of auditing 20% of the 2006 Maine Clean Election Act candidates by reviewing their vendor receipts, invoices, and bank records. The staff wishes to present a summary of the "no exception" audit reports for campaigns with full compliance to date. No action is required by the Commission.

NEW BUSINESS

4. Request for Matching Funds/Cumberland County Democratic Cmte Newsletter

The Woodcock for Governor campaign inquired whether it is entitled to matching funds based on a 8-page newspaper produced by the Cumberland County Democratic Committee that may expressly advocate for the re-election of Governor Baldacci. The committee has responded that the total cost of the newsletter is \$784. At most, only a few sentences in the newsletter appear to constitute express advocacy. The newsletter was sent to members of the county committee and the Democratic town committees.

Staff recommendation: the staff view is that the Woodcock campaign is not entitled to matching funds since less than \$100 was spent to expressly advocate for the re-election of Governor Baldacci. The staff is concerned, however, about the lack of regular reporting by the county committee which had more than \$1,500 in financial activity this year. The staff wishes to discuss with the Commission whether to request financial reporting for previous years.

5. Policies Regarding Legislative Mailings to Constituents

In April and June, the Ethics Commission received requests for investigations regarding constituent newsletters. The Commission held a public workshop on constituent newsletters on July 19, 2006. In response to a request from the Commission, the staff offers some limited recommendations.

6. Administrative Question: Payment of Matching Funds to Gubernatorial Candidates

The staff seeks approval from the Commission to consider independent expenditure reports in the governor's race in batches, in order to conserve scarce Maine Clean Election Act funds.

7. Administrative Question: Posting Statements of Sources of Income

Every year, members of the Legislature submit by February 15 a statement of the sources of their personal income in the previous year. The Presiding Officers' Advisory Committee on Legislative Ethics has voted to recommend to the Ethics Commission that it post these statements to its website. The staff asks whether the Commission members approve of the proposal.

8. Sufficiency of Maine Clean Election Fund for the 2008 Elections

At this time, it is uncertain whether the Maine Clean Election Fund has adequate money for the 2008 elections, because it is not known how much in matching funds will be paid prior to the November 7 general election. The staff asks for the Commission's approval to make a request to the Bureau of the Budget, if necessary.

9. Update on LaMarche Appeal

The LaMarche for Governor campaign has appealed the Ethics Commission's decision regarding television advertisements. Oral argument is scheduled for October 18.

10. Future Meeting Dates

The staff recommends selecting tentative dates for the November, December, and January meetings.

OTHER NEW BUSINESS (ADDED TO AGENDA 10/18/06)

11. Matching Funds Questions/Douglas Smith

Senate candidate Douglas Smith requests that about \$7,000 in funds that were unspent after the primary election and raised after the primary election be attributed to his *primary* election rather than for the general election. This would reduce his general election opponent's eligibility to receive matching funds under the Maine Clean Election Act.

12. Request for Inquiry Regarding Endorsements/Reginald W. Arsenault, Jr.

The Maine Republican Party filed a request for an inquiry stating that House candidate Reginald W. Arsenault, Jr. has claimed falsely that he received endorsements from the Sportsman's Alliance of Maine and the Maine Credit Union League.

13. Request for Matching Funds/Benjamin Meiklejohn

House candidate Benjamin Meiklejohn has requested matching funds on the basis of literature mailed in support of his opponent Anne Rand by the Maine Democratic Party. *Staff recommendation: the staff recommends not paying matching funds because the literature does not expressly advocate the election of Anne Rand.*

14. Request for Matching Funds/W. Bruce MacDonald

House candidate W. Bruce MacDonald has requested matching funds on the basis of literature mailed in support of his opponent Bill Bailey by the Maine Republican Party. *Staff recommendation: the staff recommends not paying matching funds because the literature does not expressly advocate the election of Bill Bailey.*

15. Request for Matching Funds/Jayne Crosby Giles

House candidate Jane Crosby Giles has requested matching funds on the basis of literature mailed in support of her opponent Walter Ash by the Maine Democratic Party. *Staff recommendation: the staff recommends not paying matching funds because the literature does not expressly advocate the election of Walter Ash.*

16. Request for Matching Funds/John N. Frary

John Frary, the Chair of Franklin County Republican Committee, has filed a complaint about anonymous literature distributed regarding House candidate Lance Harvell.

EXECUTIVE SESSION

If necessary

ADJOURNMENT