



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

Agenda

Meeting of January 19, 2006

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

NEW BUSINESS

1. Return of Maine Clean Election Act Funds/Thomas Bossie

Thomas Bossie was a Maine Clean Election Act (MCEA) candidate for the House of Representatives in 2006. He was required to return \$6,946.32 in unspent MCEA funds in two amounts on November 21 and December 19. In addition, the Commission staff believes he should return \$448.70 which was spent on political party activities rather than his campaign. The staff has communicated with Mr. Bossie on a number of occasions, and it appears he is knowingly declining to return the funds. *Staff recommendation: the Commission staff recommends referring the unpaid obligation to the Maine Attorney General immediately for collection through a civil suit if necessary. The Commission may also wish to consider assessing a civil penalty at its February 14th meeting for violating the Maine Clean Election Act by failing to return unspent funds.*

2. PAC Reporting Issue/Maine Economic Research Institute

Earlier this year, the Commission dismissed a complaint against the Maine Economic Research Institute (MERI) and postponed consideration of whether MERI was a political action committee (PAC). *Staff recommendation: the staff believes that under current law, MERI does not qualify as a PAC. The staff recommends clarification of the statutory definition of what is a PAC and adopting a rule regarding voter guides and legislative scorecards.*

3. Proposed Changes to PAC Definition, §1056-B Reporting

The Commission staff wishes to propose changes to the statutory definition of the "political action committee." The current definition is ambiguous and difficult to apply. The revised definition would apply to traditional PACs, as well as nonprofit or national organizations which have a major purpose other than influencing Maine elections but which spend more than \$5,000 to influence them. With regard to spending on ballot questions, the staff proposes an alternative PAC definition that would apply only to spending on *communications* to voters.

4. Proposed Rule on Voter Guides and Legislative Scorecards

The Commission has gathered information from groups distributing voter guides or legislative scorecards to consider which types of these publications, if any, should be regulated by the state's campaign finance law. The staff proposes a change to the Commission's rules under which publications sent by an organization within 60 days of a general election to more than 500 individuals who are not members of the organization would be presumed to have been financed to influence the election.

5. Development of Administrative Policy/Inadequate Documentation of MCEA Expenditures

As part of its new program of auditing 20% of Maine Clean Election Act candidates, the Commission staff has found that some candidates did not keep or misplaced vendor invoices or receipts and proof of payment to vendors. These candidates lack the proof required by the Election Law to demonstrate that public funds were spent for campaign-related purposes. The staff seeks guidance from the Commission members on the correct policies to address the issue. Options could include: making a finding of violation in an audit report; requiring repayment of the funds; or assessing a civil penalty.

6. Presentation of Proposed Statutory and Rule Changes

The Commission staff wishes to present proposed changes to the Election Law and Commission Rules. If approved by the Commission, the statutory changes would be submitted as a bill to the Legislature for its consideration. If the Commission approves the rule changes for purposes of accepting public comment, the Commission could hold a public hearing at the February 14th meeting to receive comments and could adopt changes in March.

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT