



Minutes of the July 24, 2024 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble; David Hastings, Esq. and Sarah LeClaire, Esq.

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

Commissioner Schneider convened the meeting at 9:00 a.m.

1. Ratification of the Minutes of the May 29, 2024 Meetings

Mr. Marble moved to ratify the May 29, 2024 minutes with a minor correction. Mr. Hastings seconded the motion. The motion passed 4-0.

2. Failure to File Campaign Finance Report – Building the Maine House PAC

Building the Maine House is a registered leadership political action committee (PAC) formed by State Rep. Richard Campbell. Mr. Marble said he was going to recuse himself from this item because he knew Rep. Campbell, which could affect his objectivity. Mr. Wayne stated Rep. Campbell had a history of requesting that Commission staff file no-activity reports on behalf of his PAC, which was an exception to staff policy. In 2021, staff decided not to provide that accommodation anymore, requiring Rep. Campbell to file the PAC's campaign finance reports himself. In late 2023, when this was not working well, Mr. Wayne suggested to Rep. Campbell that he find a new treasurer who could do the filings or terminate the PAC.

When the PAC had not filed the 11-Day Pre-Primary Report within one month after the May 31, 2024 deadline, the Commission staff decided to recommend a civil penalty for failing to file the report. After the enforcement action commenced, the PAC filed the report on July 16, 2024 (46 days late).

Joshua Tardy, Esq., representing Rep. Campbell, said the Commission staff's memo was very clear on the PAC's obligations and the message was delivered. He explained the PAC did not intentionally try to avoid disclosure of information, and certainly did not desire to tread upon the

threshold of a criminal investigation. He stated Rep. Campbell had a plan in place to bring the PAC into strict compliance. They would be replacing the PAC treasurer that week and consider whether to terminate the PAC due to its dormancy.

AAG Jonathan Bolton explained the late-filing penalty statute, which uses a formula based on financial activity in the late report. If the report contains no activity, the penalty is zero. Mr. Bolton described the option to refer this matter to the Office of the Attorney General as a potential Class E crime.

Mr. Hastings said he hoped this would be a wake-up call for Rep. Campbell, but the fact there was no activity meant there was no harm to the public. Therefore, he would be reluctant to refer the matter to the Attorney General.

Mr. Schneider moved to find the report was filed over 30 days late. The motion was seconded by Mr. Hastings. The motion passed 3-0.

3. Request for Investigation – May 2024 Referendum in St. George, Maine

The Commission received a request for investigation by Rep. Ann Matlack concerning an anonymous postcard mailed to some residents of St. George urging a “no” vote on a May 13, 2024 municipal referendum. The referendum failed by a vote of 327-304. Rep. Matlack asked the Commission to investigate whether the card should have stated who paid for it and whether those who sent it should file a report with the Commission. She received the postcard three days before the election on May 10. She said the misleading information in the mailer could not be rebutted due to the timing and with no way to contact the people who sent it.

Mr. Hastings said he didn’t want to direct an investigation against people based solely on them being in favor of or opposing a referendum. Without any guidance or clues as to who had sent out the communication, he suggested the Commission postpone dealing with the issue for a month to see if more information comes forward.

Ms. LeClaire said the Commission had received sufficient information to expect the cost of the communication was more than \$500, warranting an investigation, and she was disinclined to wait a month.

Rep. Matlack addressed the Commission and said in 2023 she sponsored the bill to require campaign finance reporting concerning referenda in towns and cities with a population of 15,000 or less. She said it needed to be more widely known and enforced. Therefore, she encouraged the

Commission to investigate this communication. She felt the three-day gap between the postcard and the town election was intentional, inappropriate, and she would like to find out who did it.

Mr. Schneider moved to postpone this item for one month to see if any information comes forward to give the Commission direction for an investigation. The motion was seconded by Mr. Hastings. The motion failed 1-3.

Ms. LeClaire moved to have the Commission staff investigate the matter. The motion was seconded by Mr. Marble. The motion passed 4-0.

4. Report on Proposals to Amend the U.S. Constitution – Campaign Finance Regulation

On November 7, 2023, Maine voters approved Question 2, which directed the Commission to issue a report by July 31, 2024 on proposals in the U.S. Congress to amend the federal constitution to allow for greater regulation of how money is raised and spent to influence elections. Mr. Wayne explained he had received different feedback from Commissioners after sending them an earlier draft. Accordingly, he prepared two versions of the report for the Commission's consideration at the July 24 meeting.

Mr. Schneider moved to accept version one of the report, which contained only the material specifically requested in Question 2. He feared adding more to the report would give the appearance of partisanship. The motion failed for a lack of a second.

Mr. Marble said he wanted the report to refer to the public's support for Question 2 and the comments the Commission had received from the public. Ms. LeClaire agreed and said including that information would not appear partisan and would be entirely appropriate.

Ms. LeClaire moved to amend version two of the report. Mr. Marble seconded the motion. The motion passed 3-1.

Ms. LeClaire moved to adopt version two of the report as amended. Mr. Marble seconded the motion. The motion passed 3-1.

Mr. Marble made a motion to adjourn. Mr. Hastings seconded. The motion passed 4-0. The meeting was adjourned at 10:07 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director