



Minutes of the October 30, 2024 Meeting of the  
Commission on Governmental Ethics and Election Practices  
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble; Sarah LeClaire, Esq.; David Hastings, Esq. and Beth Ahearn, 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 September 25, 2024 Meeting**

Mr. Hastings moved to ratify the September 25, 2024 minutes. Mr. Marble seconded the motion. The motion passed 4-1. Commissioner Ahearn abstained, as she was not present for the meeting.

**2. Complaint – Lawn Signs without Disclosure Statement**

The Commission received a complaint from Mr. Tom Saviello, a candidate for County Commissioner, who noticed signs opposing his election without the required statement disclosing the name and address of the person who paid for the signs. Prior to the October 30<sup>th</sup> meeting, Mr. Jake Ducharme claimed responsibility for the signs and told Commission staff he was unaware of the disclosure requirement. Within 24 hours he added the required disclosure statement to the signs to comply with the law. A few weeks later, Mr. Saviello notified the Commission of more signs, which Mr. Ducharme corrected promptly. Mr. Saviello also notified the Commission of similar signs opposing Stephan Bunker for the Maine House of Representatives that lacked a disclosure statement.

Mr. Ducharme appeared before the Commission and explained on September 27 he was notified by Commission staff his signs were in violation of the disclosure rules. He was unaware of the requirement and immediately took responsibility and corrective action. This is the first time he has been involved in any campaign advocacy.

Ms. LeClaire encouraged staff to educate the public of these new disclosure requirements, perhaps with a press release. Ms. Ahearn suggested party committees could help spread the word to their supporters.

Mr. Schneider moved to find that the signs opposing Tom Saviello violated the disclosure requirements in 21-A M.R.S. § 1014(2) and to assess no penalty. Mr. Hastings seconded the motion. The motion passed 5-0.

Mr. Schneider moved to find that the Stephan Bunker signs violated the disclosure requirements in 21-A M.R.S. § 1014(2) and to assess no penalty. Mr. Marble seconded the motion. The motion passed 5-0.

### **3. Request for Penalty Waiver – Candidate Richard Cyr**

Mr. Richard Cyr is a first-time Senate candidate who was required to file the 42-Day Pre-General Report on September 24, 2024. As a Maine Clean Election Act candidate, he is not permitted to file his own campaign finance reports. The report was filed one day late by Mr. Cyr's treasurer, Michael Capeci. Mr. Capeci is an experienced treasurer who has assisted several candidates. The preliminary penalty for the late report is \$498.50. Mr. Cyr requested a waiver of the penalty.

Mr. Cyr stated this was his first campaign, he entered his expenditures in the Commission's eFiling system and notified Mr. Capeci the report was ready to be submitted. He did not follow up to ensure his treasurer had filed the report.

Mr. Schneider moved to find the report was filed late and to reduce the penalty to \$300. Mr. Marble seconded the motion. The motion passed 5-0.

### **4. Request for Penalty Waiver – Candidate Flavia DeBrito**

Ms. Flavia DeBrito is a first-time traditionally financed House candidate who was required to file the 42-Day Pre-General Report on September 24, 2024, but filed it one day late. The preliminary penalty for the late report is \$64.90. Ms. DeBrito requested a waiver of the penalty by letter but did not participate in the meeting.

Mr. Schneider moved to find the report was filed late and assess a penalty of \$64.90. Mr. Marble seconded the motion. The motion passed 5-0.

## **5. Request for Penalty Waiver – Democrats of Kennebunk, Kennebunkport, and Arundel**

On September 25, 2024, the Democrats of Kennebunk, Kennebunkport, and Arundel (the “Committee”) filed a July Semiannual Report, which was due on July 15, 2024. Commission staff notified the Committee that the preliminary penalty was \$500. The Committee seeks a waiver. Mr. Wayne said the Commission has a history of reducing penalties against local party committees due to high turnover in the committees’ leadership and lack of experience. Therefore, the staff recommended a penalty reduction to \$100.

Mr. Schneider moved to find the report was filed late and the penalty be reduced to \$100. Mr. Marble seconded the motion. The motion passed 5-0.

## **6. Proposed Changes to Maine Campaign Finance Law**

The Commission discussed statute changes proposed by Commission staff. Mr. Schneider moved to proceed with the proposed changes for the next legislative session. Mr. Marble seconded the motion. The motion passed 5-0.

## **7. Complaint Alleging Coordinated Expenditure by Maine Senate Republicans PAC**

The Maine Senate Republicans PAC paid for a mailing to support Rep. Richard Bradstreet, who was the Republican nominee for State Senate, District 15. As a Maine Clean Election Act candidate, Rep. Bradstreet was prohibited from accepting any cash or in-kind contributions. The mailing included a message from the outgoing Senator Matthew Pouliot thanking his constituents and encouraging them to vote for Richard Bradstreet. Sen. Pouliot is the campaign treasurer for Rep. Bradstreet’s campaign. The complaint asked the Commission to determine whether Rep. Bradstreet had received a contribution because Sen. Pouliot was an agent of Rep. Bradstreet and coordinated in the expenditure by the Maine Senate Republicans PAC. Under Maine law, if a candidate, or the candidate’s agent or political committee, cooperates with an expenditure by another person to promote the candidate, the candidate has received an in-kind contribution.

Ms. Whitney Parrish Perry, who filed the complaint, said she received the mailer around October 18, 2024. It raised concerns about the limits that apply to Maine Clean Election Act candidates and whether the PAC coordinated with the candidate.

Mr. Joshua Tardy, Esq., on behalf of the PAC, stated he agreed this matter warranted an investigation and would have the PAC’s full cooperation, but he wanted to assure the Commission

Rep. Bradstreet was unaware of the mailer and an unwilling participant in this process. Any contribution was accidental.

Mr. Schneider moved to direct the staff to further investigate the issue. Mr. Marble seconded the motion. The motion passed 5-0.

## **8. Newspaper Advertisements Supporting Cape Elizabeth Referendum**

The November 5, 2024 Cape Elizabeth ballot included a referendum authorizing borrowing for school construction. An opponent of the referendum, Ms. Mary Ann Lynch, filed a complaint regarding two pro-referendum advertisements in the Cape Courier newspaper. She asked the Commission to determine whether they contained the name and address of the people who funded the ads. She also requested the Commission consider whether the ads represented an in-kind contribution that should have been reported by Advancing Cape Elizabeth Schools, the pro-referendum ballot question committee on file with the Commission. The staff's preliminary investigation indicated each ad was initiated by local parents who supported the referendum. The names of the people who financed the advertisements appeared in the body of the ads, but their addresses were not disclosed. Commission staff recommended finding the advertisements violated the disclosure requirements because they lacked the funders' addresses and assessing no monetary penalty. The staff also recommended taking no action on the claim that the advertisements represented an unreported in-kind contribution.

Mr. Rob Krauser appeared before the Commission and addressed the advertisement that included the heading "Say Yes to S." He said he and a friend initiated the ad. "Say Yes to S" was not an organization and was merely a slogan to help like-minded people remember who to vote for. They reached out to community members to ask if their names could be listed in support of the referendum and if they would help fund the ad. The ad was crowd-funded through these donations. The Cape Courier newspaper recommended including an email address in the ad, but they were unaware of the full legal requirement. Mr. Krauser assured the Commission this was not done in coordination with the Advancing Cape Elizabeth Schools, which was also promoting the referendum.

The memo by Commission staff discussed the circumstances of the other advertisement in support of the referendum. The ad was initiated by parents at a school bus stop. Seven couples signed their names to the ad and shared the costs of the ad.

Mr. Schneider moved to find the first advertisement did not have the proper disclosure and to assess no penalty. Mr. Marble seconded the motion. The motion passed 5-0.

Mr. Schneider moved to find the second advertisement did not have the proper disclosure and to assess no penalty. Mr. Marble seconded the motion. The motion passed 5-0.

Mr. Schneider moved to take no further action on the matter of the advertisements being considered an in-kind contribution to Advancing Cape Elizabeth Schools. Mr. Marble seconded the motion. The motion passed 5-0.

## **9. Complaint regarding Concerned Citizens for York Yes on 12**

On October 24, 2024, Mr. Newell Augur, Esq. filed a complaint on behalf of his client, No on 12, a municipal ballot question committee opposed to Question 12 on the November 5, 2024 York municipal ballot. The proposed law would create a buffer zone between certain distillery operations and adjoining properties. The complaint suggested activities undertaken by Concerned Citizens for York Yes on 12 (“Yes on 12”) exceeded the \$5,000 threshold for registration and financial reporting as a ballot question committee.

In his written response to the complaint, Mr. Adam Flaherty from Yes on 12 provided the Commission with an itemization of their contributions and expenditures. At the meeting, he said the group’s financial activity did not reach the threshold of \$5,000.

Mr. Augur asserted Yes on 12 had received a report from Dr. Richard Summerbell, a Canadian expert on fungus, that had been used in municipal meetings dealing with this issue and should have been considered an in-kind contribution to Yes on 12. Mr. Augur said the report was on the Yes on 12 website until October 22, 2024, and in the last 72 hours all references and the link to it were removed from the website. He said the issue was not whether Dr. Summerbell provided the report for purposes of influencing the planning board meeting. The issue was whether Yes on 12 used the report to influence a campaign. Mr. Augur estimated the report could be worth \$2,500 or more. Irrespective of how Yes on 12 received it, he stated it was an in-kind contribution.

Mr. Flaherty explained the report was a direct response to materials provided to the town as part of the planning board application. He said at the time the report was received there was no intention to use it to influence the referendum whatsoever. Mr. Flaherty reached out to Dr. Summerbell to ask him why the results between his and the opposing side’s reports were so

different. Dr. Summerbell said he would be glad to review the issue, such consultations usually cost \$300 per hour, and it would take 1 - 1½ hours.

Mr. Marble asked why the report and references to it were taken off the Yes on 12 website. Mr. Flaherty replied the removal was suggested to the group by the neighbors involved in the effort in order to reduce the information on the website and more closely reflect the campaign messaging. When the matter was raised in the complaint, they decided if it was in question, it should be removed. He said that if Yes on 12 had intended to use the report to influence the election, the report would have been more prominent on the Yes on 12 website rather than as a link on a fact-checking page.

Ms. LeClaire asked when Mr. Flaherty sent the Summerbell report to the York Planning Board. He replied Sept. 25. He said he did not anticipate being charged for the report. He did not dispute the report had value but emphasized that the report was in response to other submissions to the planning board.

Mr. Hastings asked if the Summerbell report was ordered before or after the organization of Yes on 12 group to promote the referendum. Mr. Flaherty explained they were happening in parallel.

In response to a question from Ms. Ahearn, Mr. Wayne explained the Commission had the option to consider whether the report was a contribution or to decide to take no action on the complaint. The staff believed Mr. Flaherty had offered a plausible explanation that the report was provided for the purpose of influencing a decision by the planning board and suggested this case should be based on the evidence available. From Mr. Wayne's point of view, Mr. Augur had not provided sufficient evidence of an intent to influence an election at the time Dr. Summerbell provided the report. Mr. Bolton added that the timing of when the report is billed is less relevant than the intention of the parties when the report was provided.

Mr. Marble moved to find the placement of the report link on the Yes on 12 website constituted an in-kind contribution, and therefore Yes on 12 was a ballot question committee. Mr. Hastings seconded the motion. Mr. Hastings thought the report had a dual purpose to influence the planning board and the referendum campaign. Mr. Schneider's analysis was it was provided to the planning board and became a public document which no longer has any intrinsic value when used in any campaign. The motion failed 2-3.

Mr. Schneider moved to take no further action on this matter. Mr. Marble seconded the motion. The motion passed 5-0.

#### **10. Complaint regarding Yes on 1 in Freeport**

On October 25, 2024, Freeport resident Ralph Dean filed a complaint with the Commission regarding lawn signs and a mailer promoting a local referendum on November 5, 2024 regarding the town's purchase of a parcel of land at 22 Main Street. During its preliminary review of the complaint, Commission staff reached out to members of a town committee that previously worked on this issue to identify those who might be involved with the Yes on 1 effort and learned of three individuals, including Ed Bradley. Mr. Bradley provided a written response to the complaint on behalf of the Yes on 1 committee stating they had spent a total of \$1,189, which was under the \$5,000 threshold to register as a ballot question committee.

Mr. Wayne said the group sent out a mailer which did not disclose who had paid for it. The staff recommended a determination that the mailing did not comply with the disclosure requirements and recommended a penalty of \$50.

Mr. Bradley stated he was responsible for organizing the development and delivery of the mailer. The group was unaware of the requirement, and it was an honest mistake.

Mr. Schneider said he did not feel there was any intent to deceive the public. He moved to find the mailer violated the disclaimer requirements and assess a penalty of \$50. Ms. LeClaire seconded the motion. The motion passed 5-0.

#### **Other Business - Complaint about Facebook Ad by Auburn Democratic City Committee**

Mr. Alex Titcomb filed a complaint about an 8-second video posted on Facebook criticizing Rep. Laurel Libby, the Republican candidate for House District 90. The ad contained language supporting her Democratic opponent: "Vote Coach Dan Campbell on November 5th" and stated it was paid for by the Auburn Democratic City Committee. Mr. Titcomb asked the Commission to investigate who paid for the ad and whether the disclaimer is accurate.

Mr. Michael Polk, the secretary and vice chair of the Auburn Democratic City Committee, said the committee was solely responsible for the social media post against Rep. Libby, and spent \$39.83 on it. The committee did not discuss the ad with Dan Campbell or his campaign. He added the committee would be happy to correct the ad to comply with the requirements.

Mr. Wayne offered a view from the Commission staff, which was that the ad did not contain the address of the committee and the statement “not paid for or authorized by any candidate.”

Mr. Schneider moved to find there was a violation of 21-A M.R.S. § 1014(2) by not including required disclosure, but did not feel there was an attempt to hide the sponsor, so he recommended not assessing a fine. Mr. Marble seconded the motion. The motion passed 5-0.

Mr. Hastings made a motion to adjourn. Ms. Ahearn seconded. The motion passed 5-0. The meeting was adjourned at 12:17 p.m.

Respectfully submitted,  
Jonathan Wayne, Executive Director