



Minutes of the January 29, 2025 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. (by Zoom); Sarah LeClaire, Esq. (by Zoom) and Beth Ahearn, Esq (by Zoom).

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General
Commissioner Schneider convened the meeting at 9:04 a.m.

1. Ratification of the Minutes of the December 18, 2024 Meeting

Ms. Ahearn moved to ratify the December 18, 2024 minutes. Mr. Hastings seconded the motion. The motion passed 4-0-1. Ms. LeClaire abstained because she did not participate in the meeting.

2. Complaint Alleging Coordinated Expenditure by Maine Senate Republicans PAC

At the Commission's October 30, 2024 meeting, the Commission directed staff to investigate a postcard mailing by the Maine Senate Republicans PAC in support of Richard "Dick" Bradstreet, who was the Republican nominee for Senate District 15. The complaint asked the Commission to determine whether the PAC made a contribution to Sen. Bradstreet because the postcard included an endorsement of outgoing State Senator Matthew Pouliot, who was Sen. Bradstreet's campaign treasurer.

Commission staff interviewed PAC personnel, Sen. Bradstreet, and former Senator Pouliot in December. A consultant who was in charge of independent expenditure communications for the PAC told Commission staff that he communicated by text with former Sen. Pouliot about possible language for the postcard but was unaware Sen. Pouliot was the candidate's treasurer. The consultant asked the PAC treasurer to file an independent expenditure (IE) report for the postcard mailing. Sen. Bradstreet told Commission staff he had no knowledge of the mailing and only found out about it when he received the postcard.

The staff recommended finding that the PAC violated two statutes: making a material false statement in an IE report (21-A M.R.S. § 1004-A(5)) and making a contribution to a

legislative candidate that exceeded the \$475 limit (21-A M.R.S. § 1015(2-B)). With regard to the proposed material false statement violation, Mr. Schneider asked if it was possible to find someone made an unintentional false statement. He suggested finding a misrepresentation would imply at least some knowledge that the statement was false. Mr. Bolton said the statute did not state a *mens rea* requirement. Mr. Hastings asked whether the Commission could apply the standard that a person knew or should have known that the statement was false. He added since this was the PAC of a party caucus, perhaps they should have known Sen. Pouliot was the treasurer of the candidate.

Ms. Whitney Parrish Perry who filed the complaint was invited to comment. She said Sen. Pouliot is a well-known elected official in the area. She felt that the PAC's claim of ignorance about Sen. Pouliot's role as Dick Bradstreet's treasurer was not an excuse. She expressed disappointment with the Commission staff's recommendation.

Attorney Joshua Tardy who represented the PAC said he was comforted that the penalty suggested by the Commission staff was directed at the PAC and not Sen. Bradstreet. He agreed there should be some type of penalty, and agreed with Mr. Hastings' interpretation of knowing or should have known.

Mr. Schneider moved to find the Maine Senate Republicans PAC violated 21-A M.R.S. § 1015(2-B) by making a contribution that exceeded the limitation and assess a fine of \$1,000. The motion was seconded by Mr. Hastings. The motion passed 5-0.

Mr. Schneider moved to find the Maine Senate Republicans PAC violated 21-A M.R.S. § 1004-A(5) by making a material false statement in the IE report and to assess no fine. The motion was seconded by Ms. Ahearn. The motion passed 5-0.

3. Request for Penalty Waiver – Hon. Roger Albert

In 2024, Representative Roger Albert ran for reelection in House District 2. Candidates who make any single expenditure of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. Rep. Albert made two expenditures over the threshold during the 13 days before the 2024 general election, but the campaign did not file 24-Hour Reports until after the election on November 21, 2024. The combined preliminary penalty for the two reports was \$2,482.60. Staff recommended reducing the penalty for both reports to \$400 in response to Rep. Albert's request for a waiver.

Mr. Joshua Tardy, representing Rep. Albert, said he supported the staff's recommendation. Rep. Albert would have more assistance with campaign finance filings in the future.

Mr. Schneider moved to find the reports were filed late and reduce the combined penalties to \$400. Mr. Marble seconded the motion. The motion passed 5-0.

4. Request for Penalty Waiver – Steven Bishop

Steven Bishop was a traditionally financed, first-time candidate for House District 17 in the 2024. Rep. Bishop made an expenditure of \$1,538.42 on October 28, 2024. He should have filed a 24-Hour Report on October 29, but it was not filed until December 11. The preliminary penalty for the late report is \$2,707.76 and Mr. Bishop requested a waiver of the penalty. The staff recommended reducing the penalty to \$300.

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

5. Request for Penalty Waiver – Hon. Walter Runte

In 2024, Representative Walter Runte was a candidate for House District 146. Candidates who make any single transaction of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. On December 10, 2024, after reviewing Rep. Runte's 42-Day Post-General Report, Candidate Registrar Lorrie Brann emailed the campaign about a \$1,356.97 expenditure dated November 5, 2024. The campaign said Rep. Runte approved the purchase of printing services on October 24 and paid the vendor on November 5, 2024. Ms. Brann told them the transaction would have to be amended because it should have been reported as an unpaid debt in a 24-Hour Report. The campaign corrected the date of the expenditure, which triggered a 24-Hour Report that should have been filed by October 25 but was not filed until December 11. Staff notified Rep. Runte the preliminary penalty for the late report was \$1,275.55 and he requested a waiver of the penalty.

Rep. Runte acknowledged to the Commission he had been reporting purchases when he paid for them and did not fully understand which expenditures needed to be reported.

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

6. Request for Penalty Waiver – Hon. Joseph Rafferty, Jr.

In 2024, State Senator Joseph Rafferty ran for reelection to Senate District 34 as a Maine Clean Election Act candidate. Candidates who make any single expenditure of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. The statutory definition of expenditure includes making a contract, promise or agreement to make a payment to influence a candidate election.

On October 29, 2024, Sen. Rafferty approved digital advertising services from Erikson Communications Group with a value of \$10,000 which he paid for and reported after the 2024 general election. Commission staff notified Sen. Rafferty that his debt of \$10,000 to Erickson should have been disclosed to the public on October 30th in a 24-Hour Report and the preliminary penalty for not filing the report on time was \$5,000. Sen. Rafferty submitted a letter requesting a waiver of the preliminary penalty.

Sen. Rafferty appeared before the Commission and stated he did not communicate with his treasurer about the expenditure and, therefore, it was not reported on time. Once the treasurer was informed, the report was filed.

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

7. Complaint by William Clardy about Websites

William Clardy filed a complaint about websites promoting roughly 130 candidates for the Maine Legislature in 2024. In a memo circulated before the meeting, Commission staff explained that around 79 of the websites were based on a common design template and had similar URLs that incorporated the last name of the candidate, such as <https://stover.mainecandidate.com> or <https://gere.mainecandidate.com>. These mainecandidate.com websites were maintained by the Maine Democratic Party in consultation with the Senate Democratic Campaign Committee (SDCC) and the House Democratic Campaign Committee (HDCC). The websites contained the same disclaimer at the bottom of the home page: “Paid for and authorized by the candidate.” Around 51 of the websites had a different URL and apparently were organized by the candidates themselves. Staff’s preliminary investigation focused on 12 of these websites whose look and content varied. Most of them contained disclaimers indicating they were paid for by the candidates.

Counsel for the HDCC and the SDCC submitted a written response acknowledging the costs should have been better identified and offered to restructure the platform so all costs would be reimbursed by candidates and reported accurately in the future. The SDCC had been paying \$14.50 a month to a cloud hosting company, Linode.

Mr. William Clardy addressed the Commission. He said he agreed with Mr. Wayne's summary of his complaint but he was alarmed at the number of sites on the mainecandidate.com website without accurate disclaimers. He was concerned that MCEA candidates were involved in coordinated expenditures which, according to the guidebook, were not allowed.

Ms. Kate Knox, Esq., representing SDCC and HDCC, said the \$14.50 monthly hosting fee should not have been paid using the SDCC credit card. The mainecandidate.com platform was designed by the Maine Democratic Party and intended to be controlled by the party. The payment was made with the incorrect card unintentionally. She added that the monthly fee for hosting was similar to an exception in statute for the use of office equipment at no additional charge to the provider. The SDCC paid \$14.50 per month for hosting regardless of how many candidates used the platform. She referred to the Commission's discussion at a previous meeting of a disclaimer in a mailing organized by CapeVoters.com which had a much greater value than the hosting cost of mainecandidate.com.

Mr. Hastings said he was not as concerned about the amount of the expense, but the fact that the Maine Democratic Party created, posted and made available to the public 79 websites for candidates advocating for their election which were left up for two election cycles with incorrect disclaimers.

Ms. Knox said the websites were created by Democratic Party staff under the statutory exception allowing for the donation of 40 hours of staff time to a candidate. They were created lawfully and the only issue in question was disclosure of the hosting fee.

Ms. Lisa Prosienski, Esq., representing the SDCC and HDCC stated their investigation determined that a staff error resulted in this mistake. She confirmed that 2024 candidates were not aware of the hosting costs. In a better situation, the Maine Democratic Party would have informed the candidates about the costs. The PACs appreciated the staff's recommended disclosure suggestions and would think about how to report the hosting fees in the future.

Mr. Schneider moved to find the attribution was inaccurate and the Senate Democratic Campaign Committee violated 21-A M.R.S. § 1014 with respect to its payment for hosting fees and to assess a penalty of \$159.50. Mr. Marble seconded the motion. The motion passed 5-0.

8. Request for Penalty Waiver – Joe Boyd

Mr. Joe Boyd was a first-time candidate for House District 55 in 2024. Candidates who make any single expenditure of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. While trying to assist Mr. Boyd in reconciling the reported end balance of his 42-Day Post-General Report with the campaign's bank account balance, Commission staff discovered a missing expenditure of \$2,308.80 dated October 31, 2024, which triggered a 24-Hour Report once entered. The report should have been filed by the end of day, November 1, but was not filed until December 20. The preliminary penalty for the late report is \$2,262.82 and Mr. Boyd requested a waiver of the penalty. The staff recommended reducing the penalty to \$300.

Mr. Boyd explained his treasurer had a family emergency which kept him from filing on time. He was a first-time candidate and found the campaign finance reporting to be daunting. Mr. Philip Wiseman, the campaign treasurer, explained a family emergency took priority and the campaign never intended to withhold information from the public. He acted with due diligence and filed accurately as soon as possible.

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.

9. Request for Penalty Waiver – Reda Edelman

Reda Edelman was a first-time candidate for House District 21 in 2024. Candidates who make any single expenditure of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. On December 17, 2024, while preparing the 42-Day Post-General Report, Ms. Edelman's treasurer, Wayne Mallar, entered an expenditure of \$1,970.00 for radio ads dated October 30, which triggered a 24-Hour Report. The report should have been filed by October 31, but was not filed until December 17. The preliminary penalty for the late report is \$1,851.80 and Mr. Mallar sought a waiver of the penalty on behalf of the campaign. In his written request, he stated the report was late due to campaign inexperience and slow communication between him and the candidate.

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.

10. Proposed Stakeholder Group to Simplify Pre-Election Deadlines

The Commission discussed a suggestion received at a previous meeting that the Commission or Legislature should put together a stakeholder group to discuss the deadlines for 24-Hour and Independent Expenditure reports to minimize confusion and unnecessary bureaucracy. A consensus was reached that a stakeholder group was worthwhile. The Commission discussed different constituencies who might participate in the group

Mr. Schneider moved to convene a stakeholder group to discuss issues about reporting towards the end of the election season, and to try to uncomplicate them by making recommendations for statute or rule changes. The motion was seconded by Mr. Marble. The motion passed 5-0. The Commission asked its executive director to write up the concept for consideration at the next meeting.

Adjournment

Mr. Hastings made a motion to adjourn. Mr. Marble seconded. The motion passed 5-0. The meeting adjourned at 11:19 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director