



Minutes of the September 24, 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.; and Sarah LeClaire, Esq. (by Zoom)

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General
Commissioner Schneider convened the meeting at 9:03 a.m.

1. Ratification of the July 23, 2025 Meeting Minutes

Mr. Marble moved to approve the July 23, 2025 minutes as presented. Mr. Hastings seconded the motion. The motion passed 4-0.

2. Public Hearing for Rulemaking

The Commission opened a public hearing to receive comments on proposed amendments to the Commission's rules. No meeting participants commented. Mr. Wayne stated the Commission received one written comment regarding the rulemaking. He confirmed the deadline for public comment is October 6, 2025.

3. Paid Radio Messages Promoting 2024 Legislative Candidates in Aroostook County

The Commission staff reported back on its investigation of an October 28, 2024 payment by the Aroostook Democratic County Committee to the Channel X radio station for the broadcast of election day messages on November 5, 2024 promoting six Democratic legislative candidates. Commissioner LeClaire abstained from this agenda item. Mr. Wayne explained the party committee treasurer thought this expenditure was compliant because the radio station had a longstanding practice of broadcasting messages by candidates from both major political parties on election day. Also, the committee treasurer had been told if a committee was paying for advertising to promote a slate of candidates, there was a provision in the law to allow it. Mr. Wayne explained that, generally, a candidate's acceptance of advertising time paid by another person is a contribution to the candidate, but there is an exception for party committees that

allow them to pay for communications listing three or more candidates in a substantially similar way.

Mr. Wayne said the candidates were recorded during a group conversation at a restaurant in Caribou. The recording was later edited by the radio station so that each communication aired on election day featured only one candidate and was broadcast three times. He recommended finding that the candidates received an in-kind contribution because each ad featured only one candidate.

Mr. Wayne said the “paid for” disclosure statement in the radio ads was incomplete and the committee’s campaign finance report did not identify the candidates who were promoted by the expenditures. Mr. Wayne did not recommend a penalty for the committee’s violations because the treasurer had paid from his personal funds a large fine for the late filing of the committee’s 2024 reports.

Three of the 2024 candidates participated in the meeting. Candidate David McCrea described the group recording at the restaurant, which consisted of an interviewer who asked questions. He said he did not consider how the discussion would be edited and presented on election day.

Candidate Melanie Tompkins had heard of this event in previous years. She heard the sample election-day message received by the Commission during its investigation. The interviewer’s comments to the group of candidates were omitted, which changed the context of what happened. She said there was no ill intent on the part of the candidates who intended to follow the law.

Candidate Vaughn Mclaughlin was surprised to hear there was a possible violation. He explained they all participated in a group recording but were unaware it would be broadcast as individual ads. The radio station contacted him and said this was how it had always been done: a group of candidates answering questions. He was under the impression it would be sponsored by the Aroostook Democratic County Committee and wouldn’t violate any rules.

Mr. Hastings said if Channel X had broadcast the conversation as a news piece, it would probably have been fine. Technically, since the radio station charged for the communication and broke them into individual segments it was a violation of statute, but it was probably the most innocent violation he had seen during his time as a commissioner.

Mr. Marble asked whether candidates could be found in violation of the rules if they received an unsolicited in-kind contribution. Mr. Schneider replied yes, if they accepted the contribution. Mr. Bolton explained there is no intent or negligence requirement in the law.

Mr. Schneider moved to find that the 2024 legislative candidates, David McCrea, Roland Danny Martin, Vance McLaughlin, Melanie Tompkins, Kevin Freeman and Matthew Rush violated 21-A M.R.S. § 1125(6) by accepting in-kind contributions of advertising time on Channel X and impose no penalty. Mr. Hastings seconded the motion. Motion passed 2-1 with Mr. Marble voting against finding a violation.

Mr. Schneider moved to find that the Aroostook Democratic County Committee violated 21-A M.R.S. § 1017-A(2)(A) and 94-270 C.M.R. Ch. 1, § 7(7) because it did not disclose which candidates it was supporting in its campaign finance report, and to impose no penalty. Mr. Marble seconded the motion. Motion passed 3-0.

Mr. Schneider moved to find the Aroostook Democratic County Committee violated 21-A M.R.S. § 1014(1) because the messages did not include the address of the committee and a statement that the candidates authorized the messages, and to impose no penalty. Mr. Hastings seconded the motion. Motion passed 3-0.

4. Request for Waiver of Late-Filing Penalty – ActBlue Maine PAC

ActBlue is a national fundraising platform that allows Democratic candidates and groups to receive online contributions. It registered a political action committee (PAC) with the Commission, ActBlue Maine. The PAC was required to file a quarterly campaign finance report on July 15, 2025, but filed the report 14 days late. The preliminary penalty for the late report was \$683,731 based on the formula in statute.

The PAC attempted to file its report on time but had 13,000 transactions and was relying on the upload feature in the Commission's e-Filing website. To utilize the feature, the information must be entered in a specific format. Mr. Wayne acknowledged ActBlue attempted to file on time but should have allotted more time to modify the information for the formatting requirements. Commission staff recommended a reduction of 80% - 85% and assessing a final penalty in the range of \$102,560 - \$136,746.

Mr. Jeffrey Hunter, Esq., appeared for ActBlue Maine. He said the PAC was at fault and filed late. He said the PAC encountered system errors and had many reports due across several

jurisdictions, leading to the delay. Locating 37 errors among 13,000 transactions took a lot of time, and the technical issues created a delay in filing.

Ms. LeClaire asked whether the PAC used the recommended e-filing system template. Mr. Hunter said they eventually did.

Mr. Schneider moved to find the report was submitted late and assess a penalty of \$125,000. The motion failed because there was no second.

Mr. Hastings moved to find ActBlue Maine in violation for a late filing and reduce the preliminary penalty by 85% to \$102,560. Mr. Schneider seconded the motion.

Mr. Hunter was permitted to comment further and pointed out the Commission's average penalty reduction since 2018 was 88.4%. He asked the Commission to consider a larger reduction than recommended by staff. Mr. Hastings said he preferred not to establish a precedent based on a percentage reduction but was open to a larger reduction. Mr. Hastings withdrew his motion for a penalty of \$102,560 and moved to find a violation of a late filing and assess a penalty of \$100,000. The motion was seconded by Mr. Marble. The motion passed 4-0.

5. Late Registration by Protect ME – No Red Flag

Protect ME – No Red Flag is a ballot question committee (BQC) formed by the Sportsman's Alliance of Maine (SAM) to oppose the red flag citizen initiative on the November 2025 ballot. According to the BQC's initial campaign finance report, it met the registration threshold on May 29, 2025, but the registration was not submitted until July 1, 2025. Commission staff recommended a penalty of \$500.

Mr. David Trahan, the Executive Director of SAM and the BQC's Principal Officer, explained there was an internal staff miscommunication, resulting in the late registration. He acknowledged the PAC was at fault and he was present to pay the fine.

Mr. Schneider moved to find the Sportsman's Alliance of Maine violated 21-A M.R.S. §1052-A(1)(A-1) by registering their BQC with the Commission late and assessing a penalty of \$500. Mr. Marble seconded the motion. The motion passed 4-0.

6. Audits of Maine Clean Election Act (MCEA) Candidates

The Commission audits the campaign finances of all MCEA candidates for Governor and a random selection of 20% of legislative candidates. The accounting firm of Runyon Kersteen Ouellette (RKO) was contracted by the Commission to perform the audits for the 2024 election cycle. Audit reports were circulated to the Commissioners in the meeting packet.

Mr. Schneider noted many of the exceptions occurred when candidates committed funds but reported the expenditures when they wrote the checks. He said people don't appear to understand what the law requires and therefore are filing incorrectly. Mr. Wayne said this requirement is discussed in the Commission's guidebook and other guidance materials.

Jennifer Conners, project director for RKO, explained the selection and auditing processes. They selected 39 candidates for the 2024 election cycle (10 Senate, 29 House) but removed one candidate due to a death of an immediate family member. Ms. Conners said the majority of candidates had minor exceptions. Only three candidates had potential findings of violations, which shows that most candidates are complying with MCEA requirements. The two most common exceptions found were expenditures being reported on the incorrect reports and missing supporting documentation.

7. Legislation to Implement Working Group's Recommendations

The Commission considered legislation that would implement the recommendations of a working group the Commission formed to simplify campaign finance reporting deadlines closer to the election. Mr. Scheider proposed postponing action on the legislation to allow the Commission to review and deliberate on the threshold amounts for 24-hour reporting recommended by the working group. Mr. Wayne explained the cut-off for submitting legislation from agencies was September 26, but if the Commissioners recommended moving the bill forward, hopefully any changes could be made during the redlining process or through testimony to the Veterans and Legal Affairs Committee. Assistant Director Martha Currier said that if the Commission potentially wanted these changes to be in effect for the 2026 election, it would need to include an emergency preamble on the legislation. Mr. Bolton added if the Commission wasn't going to do that, he would suggest having an effective date after the election.

Mr. Marble moved to proceed with submitting the proposed legislation, including an emergency preamble, with the understanding the Commission would continue to review the bill. Mr. Hastings seconded the motion. The motion passed 4-0.

Other Business

The Commissioners scheduled a Zoom meeting for October 6, 2025 at 10:00 a.m. to determine if a candidate for Governor would be eligible to move forward as a Maine Clean Election Act candidate.

Adjournment

Mr. Marble made a motion to adjourn. Mr. Hastings seconded. The motion passed 4-0. The meeting adjourned at 10:44 a.m.

Respectfully submitted,
Jonathan Wayne, Executive Director