STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
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Approved June 24, 2026

Minutes of the May 27, 2026 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Brooke Bailey, Esq.; Colton Gross, 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 May 6, 2026 Meeting Minutes

Mr. Schneider moved to approve the minutes of the May 6, 2026 meeting as presented. Ms. LeClaire seconded the motion. The motion passed 4-0.

2. Complaints about Red Boxing by Democratic Gubernatorial Candidates

The Commission received complaints alleging that three Democratic gubernatorial candidates had engaged in a practice known as "red boxing." At its May 6, 2026 meeting, the Commission directed its Counsel, Assistant Attorney General Jonathan R. Bolton, to prepare a legal opinion analyzing the issue of whether a red box message on a candidate's campaign website could be interpreted as a request or suggestion that outside groups spend money on advertising to promote the candidate, resulting in a contribution to the candidate that exceeds legal limits.

Mr. Bolton noted that, under the Federal Election Commission's (FEC's) interpretation of federal law, spending made in response to a candidate's private request or suggestion to a selected audience could constitute a contribution, whereas spending in response to a message posted publicly on a campaign website would not result in a contribution. As a result, the FEC has consistently rejected complaints alleging that candidates violated campaign finance laws by publicly posting spending guidance for outside groups.

Mr. Bolton suggested that Maine should not automatically follow that interpretation by the FEC. He said it was unsurprising that redboxing had appeared in Maine because the FEC had permitted similar practices for years, and states often look to federal interpretations for guidance. However, he concluded that the FEC's interpretation was outdated because it was developed before campaigns began using public "red boxes" to communicate detailed instructions to super-PACs, which are now allowed to receive unlimited contributions for independent expenditure communications.

He suggested rejecting the FEC's bright-line rule that has allowed campaigns to circumvent the law simply by posting instructions publicly rather than communicating them privately. In his view, the statutory terms "request" and "suggestion" were broad enough to encompass red boxing and did not require communications to be private in order to be regulated.

Addressing first amendment concerns, Mr. Bolton explained that detailed public instructions about desired advertising campaigns are effectively requests for valuable services, making the resulting spending more akin to a contribution than a truly independent expenditure. Because outside groups are providing exactly what the campaign had asked for, he said this created the potential for the same quid pro quo corruption that contribution limitations were intended to prevent. Accordingly, he believed that a broader interpretation of the statute would likely be constitutional because it regulated conduct resembling coordinated support rather than independent political speech.

Mr. Bolton also acknowledged that the statute was ambiguous, that the FEC had adopted a different but reasonable interpretation, and that a more aggressive enforcement approach carries litigation risks. He emphasized that his analysis represented what he considered the best reading of the statute, while recognizing that the ultimate policy decision rested with the Commission.

Prior to the May 27, 2026 meeting, the Commission’s executive director had prepared a draft advisory statement that would implement the approach outlined in the Commission Counsel’s memo. At the request of Ms. LeClaire and Mr. Schneider, the Commission’s Counsel prepared a one-sentence insert concerning the risks of red boxing for candidates in the Maine Clean Election Act program.

Mr. Robin Logsdon, representing the Troy Jackson campaign, suggested that additional guidance would be helpful to clarify where the Commission intended to draw the line between red boxing and ordinary public campaign speech. Mr. Newell Augur, representing the Nirav Shah campaign, expressed that the issue may be more appropriately addressed through legislative action rather than administrative interpretation. Mr. Schneider stated that may be the direction the Commission takes in the future, but to get the message out to current candidates he felt issuing an advisory statement would be helpful.

Ms. Kate Knox, representing the Hannah Pingree campaign, expressed frustration with the draft advisory statement, arguing that it effectively functioned as a de facto ban on red boxing without clearly stating that conclusion. Mr. Schneider said that if candidates read the advisory statement and choose not to engage in the conduct it cautions against, then the advisory has accomplished its purpose. He explained that the Commission's intent is to discourage candidates from engaging in behavior that carries inherent risk, particularly the possibility that outside actors may interpret red box communications as suggestions and make improper contributions or expenditures in response.

Mr. Schneider moved the Commission adopt the advisory statement with the additional sentence concerning Maine Clean Election Act candidates and promulgate the statement as effectively as possible. Ms. Bailey seconded the motion. The motion passed 4-0.

3. Campaign Finance Reporting by State Rep. Richard Campbell

Mr. Wayne reported on attempts by Commission staff to address a discrepancy in campaign finance reporting by State Rep. Richard Campbell, a candidate for re-election in House District 19. While staff is not certain Rep. Campbell made a reporting error, staff had noticed a discrepancy between the ending cash balance calculated in the Commission's eFiling system after his 2024 campaign and the amount of surplus 2024 campaign funds Rep. Campbell reported he was carrying forward to his 2026 campaign. Staff had made multiple attempts to get Rep. Campbell to provide a monthly bank statement verifying the amount of the surplus funds. Mr. Wayne described the notices provided to Rep. Campbell that this item would be placed on the agenda of the Commission's May 27, 2026 meeting. Mr. Schneider moved to authorize the staff to investigate the matter. Mr. Gross seconded the motion. The motion passed 4-0.

4. Rulemaking

Mr. Wayne recommended initiating a rulemaking to implement two laws enacted this year. One law requires a disclosure statement be included on public communications that depict a candidate saying or doing something they did not say or do, or that has been altered in a way that could give a reasonable person a materially different understanding of the candidate's appearance, actions, or speech. The proposed rule amendments would expand the scope of size and duration requirements for top 3 funder statements in independent expenditure communications to the new disclosure statement. Also, the proposed rule amendments implement a statutory increase in the spending threshold for independent expenditure reports.

Mr. Schneider moved to proceed with the rulemaking. Ms. Bailey seconded the motion. The motion passed 4-0.

5. Training on Freedom of Access Act Requirements

Mr. Bolton trained the Commission on open meeting requirements and access to public records under the Freedom of Access Act.

6. Request to Investigate Robert Charles regarding midgeleyexposed.com

The Commission received a complaint from Lauren LePage, campaign manager for Republican gubernatorial candidate Ben Midgley, against candidate Robert "Bobby" Charles, regarding a website, midgleyexposed.com. The Midgley campaign contends the website did not include a required statement of who paid for the website.

Ms. LePage explained why she believes the Charles campaign is responsible for midgeleyexposed.com. She said the lines of attack against Ben Midgley in midgelyexposed.com had been raised only by Mr. Charles' campaign. The Charles campaign had included very similar messaging in two other websites it established: therealbenmidgley.com and thethreeamigosmaine.com. The Charles campaign reported reimbursing its digital consultant $50 for a payment he apparently made to GoDaddy.com on March 26, 2026. That is the same date on which someone registered the domain name midgeleyexposed.com through GoDaddy. Ms. LePage asked the Commission to take a closer look at Mr. Charles' campaign to determine if it had financed the website.

Ms. Anna Mackin, attorney for the Bobby Charles campaign, stated the campaign was not involved with midgleyexposed.com. She said the $50 expenditure was a reimbursement for a different domain, therealgarrettmason.com. This information was provided to the Commission in an affidavit from the campaign's media vendor, Harris Media. The vendor invoices clients a flat fee of $50 for a domain purchase through GoDaddy. Ms. Mackin also noted that the Charles campaign had created and paid for the website therealbenmidgley.com, which included the required disclaimer. She added that the campaign would have no objection if the Commission chose to subpoena GoDaddy to determine who registered or paid for the disputed domain, to clarify ownership and resolve any remaining questions.

Mr. Schneider moved to open an investigation into midgelyexposed.com to determine who financed it, and based on that, whether the website should have had a different disclosure statement. Mr. Gross seconded the motion. The motion passed 4-0.

Adjournment

Mr. Schneider made a motion to adjourn. Ms. Bailey seconded. The motion passed 4-0. The meeting adjourned at 10:11 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director