



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

Commission Meeting 03/31/2021
Agenda Item #4

To: Commission
From: Michael J. Dunn, Esq., Political Committee Registrar
Date: 03/25/2021
Re: Clean Energy Matters PAC – Waiver Request (Late Major Contributor Notice)

Clean Energy Matters (the PAC) is a political action committee whose founding organizations are Central Maine Power Co., and the New England Clean Energy Connect Transmission, LLC. The PAC registered with the Commission on 09/24/2019 to oppose a ballot initiative to direct the Public Utilities Commission to reject the NECEC electrical power transmission line through western Maine (“NECEC I”). On or about 08/13/2020, the Maine Law Court concluded “that the Superior Court erred by dismissing the declaratory judgment count of the complaint, and we therefore vacate that portion of the judgment and remand the matter for the Superior Court to enter a declaratory judgment that the initiative fails to meet the constitutional requirements for inclusion on the ballot because it exceeds the scope of the people's legislative powers conferred by article IV, part 3, section 18 of the Maine Constitution.” Avangrid Networks, Inc. v. Sec'y of State, 2020 ME 109, ¶ 2. On 09/16/2020, proponents of NECEC I submitted a new initiative to the Secretary of State, requiring Legislative approval of certain transmission lines in the upper Kennebec region (“NECEC II”).

On 11/18/2020, the PAC received \$813,000 from Avangrid. ETH. 10-11. On 12/15/2020¹, the PAC updated its registration to reflect its opposition to NECEC II. On 01/29/2021, Commission staff made a preliminary finding that the PAC was required to provide Avangrid Service Company with notice of its Major Contributor obligations by 11/23/2020. ETH. 8-10. The preliminary penalty is \$50,000. On 01/26/2021, Avangrid filed a Major Contributor Report voluntarily, but without waiving its argument that one was never required. ETH. 10-11. On 02/11/2021, the PAC filed a timely request for waiver. ETH 1-7.

¹ The delay was caused by the Office of the Secretary of State providing the language of the initiative to Commission staff to update the Commission’s e-filing system.

LEGAL REQUIREMENTS

Major Contributor Requirements

A person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing a people’s veto referendum campaign or a direct initiative campaign is considered a “major contributor.” 21-A M.R.S. § 1060-A(1)(B). The recipient committee shall provide written notice to the major contributor within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee. Id.

DISCUSSION AND STAFF RECOMMENDATION

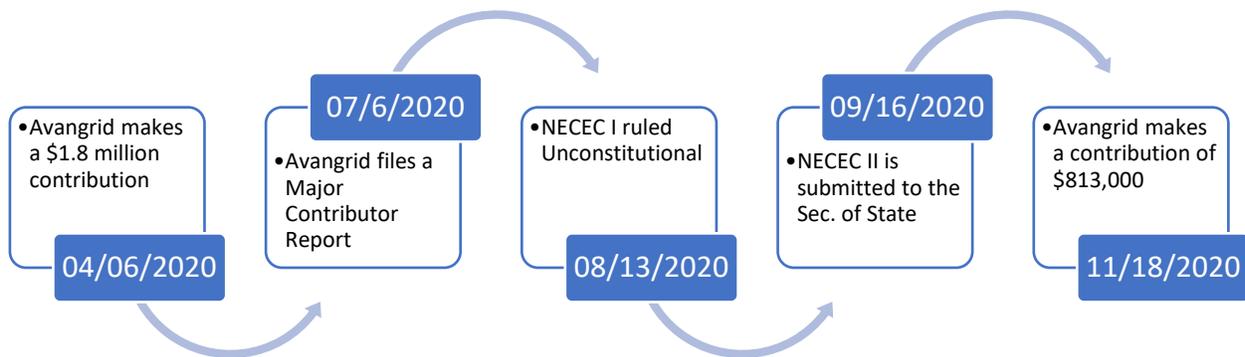
Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount is the maximum of \$50,000, calculated as follows:

Report	Date Due	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
Major Contributor Notice	11/23/2020	\$813,000	10%	60	\$50,000 (MAX)

In its waiver request, the PAC contends that 21-A § 1060-A does not require a second major contributor report because Avangrid has previously filed a Major Contributor Report on 07/06/2020, relating to NECEC I. The PAC goes on to contend that if a second report were required then the PAC would not have been able to amend its registration to oppose NECEC II and that the Commission should have required a new PAC be registered. Lastly, the PAC contends that a waiver should be granted because of the close proximity in time and near identical information provided in both Major Contributor Reports.

I. Requirement of a Major Contributor Notice/Report for NECEC II

The PAC first contends that no Major Contributor Report is required for the contribution it received on 11/18/2020, because Avangrid had previously filed a Major Contributor Report 07/06/2020. The PAC interprets 21-A M.R.S. § 1060-A to mean that once a Major Contributor Report has been filed that no further report is due. Based on the timeline of events, the Commission staff disagrees with this contention.



Section 1060-A defines “Major Contributor” as a person that makes contributions aggregating in excess of \$100,000 to a committee for the “purpose of initiating or influencing ... any **one** direct initiative campaign.” 21-A M.R.S. § 1060-A(2) (emphasis added). Once a person qualifies as a Major Contributor, the recipient committee must provide notice to the contributor regarding their obligations.

Here, Avangrid filed a Major Contributor Report on 07/06/2020, relating to NECEC I. If NECEC I was still on the ballot, then the subsequent contributions from Avangrid would never have triggered an obligation to file a second Major Contributor Report because they had already filed the one-time report; however, NECEC I was removed from the ballot due to a Law Court decision, and NECEC II was initiated on 09/16/2020.

Commission staff agrees that the NECEC II initiative is substantially similar to the NECEC I initiative as to subject-matter; however, NECEC II is a separate and distinct initiative from

NECEC I. This new initiative resets the counter for all contributors to all committees² influencing this initiative as it relates to § 1060-A.

The PAC contends that that the language “any one direct initiative” excludes donors to PACs that receive \$150,000 from one contributor to influence two separate ballot initiatives (*i.e.* \$75,000 for each initiative). This is accurate; however, staff does not believe that this contention provides a complete interpretation of the requirements. To illustrate this point, assume that a company registers a BQC with the Commission and transfers \$100,001 to the BQC, files a Major Contributor Report, and then transfers the \$100,001 back to the company and keeps the BQC registration active but reports no activity for 5 years. The BQC then becomes involved in a referendum campaign and the company transfers money to the BQC in excess of \$100,000. According to the PAC’s contention, no Major Contributor Report would be required.

That hypothetical would be an extreme case; however, there are multiple BQCs and issue-oriented PACs that have maintained active status despite having minimal activity for years. By adopting the PAC’s interpretation, the requirements of § 1060-A would become too easily side-stepped by dark money organizations.

In a similar vein, the PAC also argues that if a second Major Contributor Report was required then the Commission staff should not have permitted the PAC to amend its registration to reflect its participation in NECEC II, and that the PAC should have been terminated and a new PAC registered for its work on NECEC II. Commission staff also disagrees with this contention. Committees are permitted to update their registration and change their purposes at will. The Commission staff has never required a committee to terminate and form a new committee because of a change in purpose. By having that requirement, it could cause an undue burden on the filers and make the information less clear for the public by having to search for multiple committees.

² In its waiver request, Clean Energy Matters states that Vistra Energy made contributions in excess of \$100,000 to Mainers for Local Power since 08/13/2020. However, per the Commission’s decision in Say No to NECEC (03/10/2020), the referendum is initiated when it is submitted to the Sec. of State, in this case on 09/16/2020, and based on the reports filed with the Commission, Vistra Energy has not yet qualified as a Major Contributor to Mainers for Local Power for NECEC II.

For these reasons, it is the recommendation of Commission staff that the Commission find that Clean Energy Matters was required to submit a Major Contributor Notice to Avangrid by 11/23/2020 for its contributions relating to NECEC II.

II. Waiver Request for the \$50,000 Preliminary Penalty

A committee who fails to provide notice to a Major Contributor may be assessed the penalty as if the Major Contributor was non-complaint in its report filing. 21-A M.R.S. § 1060-A(5). In considering the waiver request, the Commission may consider, among other things, the amount of the contributions required to be reported and the number of days that the report was filed late. Id.

Here, it is the opinion of Commission staff that a reduction is warranted. NECEC I and NECEC II concern the same subject-matter. Avangrid had filed a Major Contributor Report four months prior to its 11/18/2020 contribution and the information contained the second report is substantially the same as the earlier filed report.

However, the late notice did cause the Major Contributor Report to be due by the 2021 April Quarterly instead of by the 42-Day Post-Election Report. Additionally, this penalty is subject to the \$50,000 maximum because of the number of days late and the amount of the financial activity.

The Commission has considered a waiver request for a late Major Contributor Notice in Mainers for Local Power (03/10/2020). In that case, there were two violations that resulted in a preliminary penalty of \$53,431 (see below chart), and the Commission reduced that penalty to \$2,500.

Contributor	Met Threshold	Notice Sent	Days Late	Report Filed	Amount of Contributions	Preliminary Penalty
Calpine	12/19/2019	01/21/2020	28	01/22/2020	\$246,604	\$24,660.40
Vistra	01/02/2020	01/30/2020	23	02/07/2020	\$287,707	\$28,770.70

In reducing the penalty, the Commission considered that it was a new requirement and that the PAC was unaware of its obligations. The Commission also wanted to deter other committees from failing to send timely notices.

Unlike most other penalties, the Commission has not established a baseline for waivers (such as \$750 in the case of committees). The Mainers for Local Power case was one of first impression, and the Commission had concerns over the fairness of imposing a high penalty. It has now been over a year since then and Clean Energy Matters was aware of the requirement (albeit they misinterpreted the obligation). The contributions from Avangrid to Clean Energy Matters are significantly higher than in the Mainers for Local Power case (1.65Xs) and the notice was sent 60 days late.

Commission staff feels that imposing a penalty of \$5,000 seems appropriate even given these factors. There are certainly mitigating factors present in this case, but the amount of the contribution and tardiness of the Notice would suggest that a higher penalty be imposed than in the Mainers for Local Power case. Staff would be open to additional guidance from the Commission in reviewing these matters for appropriate reductions.

NEWELL AUGUR

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February 11, 2021

Admitted in: ME

Michael J. Dunn
Political Committee and Lobbyist Registrar
Maine Commission on Governmental Ethics and Election Practices
45 Memorial Circle
Augusta, Maine 04333

Dear Michael:

On behalf of Clean Energy Matters (CEM), we submit this letter because the Commission Staff's preliminary finding set forth in its January 29, 2021 letter, namely, that CEM was late submitting a Notice to a Major Contributor pursuant to 21-A M.R.S. § 1060-A, is in error. CEM had no legal obligation to provide a second notice to Avangrid Service Company ("Avangrid") because it already provided a notice in April 2020, and Avangrid timely filed its major contributor report thereafter. Because CEM amended its initial registration to reflect its opposition to the second citizen initiative regarding the New England Clean Energy Corridor ("NECEC") and continued its activities, the aggregate contribution amount did not reset and no further notice or report was required. In the alternative, should the Commission conclude that CEM needed to send a second notice to Avangrid and Avangrid needed to file a second major contributor report, we respectfully request a waiver of the proposed penalty because all of the relevant information set forth in 21-A M.R.S § 1060-A(2) already was on file with the Commission, and was accurate in every material respect.

Applicable Law

Section 1060-A, the recently enacted statute governing contributors that make large donations to citizen initiatives, is meant to "give members of the Maine public a fighting chance to understand who these contributors are, by requiring them to file **a one-time report** with the Commission."

Testimony of Jonathan Wayne, before the Joint Standing Committee on Veterans and Legal Affairs on LD 1865, March 20, 2018 (emphasis added). This purpose was plainly satisfied here.

Section 1060-A requires a major contributor that has given funds to a PAC for the purpose of initiating or influencing a direct initiative campaign to report information to the Commission about its organization, its source of funds, tax status, among other items. 21-A M.R.S. § 1060-A(3), (4). A “major contributor” is defined by statute as a donor that has given in the aggregate more than \$100,000 “to a ballot question committee or political action committee for the purpose of initiating or influencing . . . any one direct initiative campaign.” 21-A M.R.S. § 1060-A(1)(B).¹

Notably, the reporting mechanism adopted by the Legislature does not put the onus for filing a major contributor report upon the donor who made the contribution. Rather, the PAC that receives a contribution or contributions of more than \$100,000 from a donor is obligated to notify that donor of the major contributor requirement under § 1060-A. The PAC is additionally required to file the notice it gives to the donor with the Commission. Section 1060-A(2) spells out the specific duties of the PAC as regards the major contributor law and reads as follows:

Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

¹ The language “any one direct initiative” excludes donors that have given \$100,000 to one PAC for several initiatives from Section 1060-A’s reporting requirements. For example, a donor that has given \$75,000 to a PAC in support of two separate ballot initiatives (i.e. a total of \$150,000) would not qualify as a “major contributor.” As Jonathan Wayne’s reference to a “one-time report” makes clear, this language does not suggest that a major contributor that has already filed the required report after contributing to a PAC must file a second report after making additional contributions to the same PAC for a related initiative.

Id. The statute does not require the recipient PAC to send additional notice to a donor beyond the initial written notice that is provided. Similarly, the statute does not require the recipient PAC to send any update as a result of any additional donations by a major contributor to the same PAC. This is legally significant because the donor's requirement to file a major contributor report, as set forth in 21-A M.R.S. § 1060-A(3), is triggered by the receipt of notice to do so from the PAC that has received the contribution. The major contributor report must be filed with the Commission "on or before the next regularly scheduled filing deadline . . . occurring after the major contributor receives notice of the reporting requirement." 21-A M.R.S. § 1060-A(3).

Facts

CEM registered with the Commission in September 2019. On its registration, it indicated in the "Statement of Support or Opposition" section that it was opposed to the citizen initiative entitled "Resolve, To Reject the New England Clean Energy Corridor," the first citizen initiative regarding the NECEC. On April 4, 2020, CEM received a contribution from Avangrid that put the company's combined contribution over \$100,000. Accordingly, CEM notified Avangrid on April 8, 2020, of its obligation to file as a major contributor.² Avangrid timely filed a major contributor report on July 6, 2020.

In August 2020, the Maine Law Court ruled that the first NECEC direct initiative was unconstitutional and removed it from the ballot. Shortly after that decision, a second NECEC direct initiative was commenced and a petition was filed with the Secretary of State in September 2020.³

At that time, CEM proactively approached the Commission Staff and proposed that rather than file a notice of termination for CEM and a new registration for a different PAC, CEM would amend its initial registration filed

² CEM has also fulfilled this obligation with two other donors that have contributed in excess of \$100,000.

³ Vistra Energy made contributions of \$150,000 and \$89,000 to Mainers for Local Power a week after the Law Court's decision to remove the first initiative from the ballot. Vistra also made in-kind legal contributions of approximately \$12,000 to Mainers for Local Power in the six weeks leading up to the filing of the petition for a second NECEC direct initiative with the Secretary of State.

in October 2019. With the Commission Staff's approval, CEM amended the "Statement of Support or Opposition" section on its registration and removed the specific reference to "Resolve, to Reject the New England Clean Energy Connect Transmission Project." The new mission statement reads as follows:

"To advocate for utility industry matters, to include opposing the citizen's initiative to reject the New England Clean Energy Connect transmission line project, . . ."

By amending the language of its registration and removing the reference to the first NECEC direct initiative, CEM specified that it would, henceforth, be engaged in advocating for utility industry matters including opposition to the second NECEC related direct initiative. CEM submitted that language to the Commission Staff before the petition for the second NECEC direct initiative was issued by the Secretary of State's office.⁴ On November 18, 2020, Avangrid made a contribution to CEM in excess of \$100,000. In January, the Commission Staff imposed a penalty, claiming that CEM failed to notify Avangrid that it had to file a second major contributor report, and that Avangrid failed to file the report.⁵

Discussion

The plain language of M.R.S. §1060-A (2) does not require a PAC to send a second major contributor notice to a donor contributing more than \$100,000 if the PAC has properly and timely sent the contributor a first notice. CEM notified Avangrid in April 2020 of its obligation to report as a major contributor. Accordingly, it had no further obligation to send any additional notice to that donor.

Imposing a penalty in this instance weaves new obligations into the language of 21-A M.R.S. § 1060-A(2) and 21-A M.R.S. § 1060-A(3) that do not currently exist, either for the PAC that receives the contribution or the

⁴ The Commission Staff updates the list of ballot questions in its system and had to wait until December 2020 when the Secretary of State sent language for the second NECEC direct initiative. At that time, CEM's registration statement was formally updated to reflect the change.

⁵ Without waiving its right to challenge the Commission Staff's decision, CEM notified Avangrid on January 25, 2021, that a second major contributor report had been requested, and that report was submitted to the Commission the next day.

donor that makes it. The Legislature wrote the law to operate sequentially. When a donor makes a contribution in excess of \$100,000, the PAC receiving that contribution is obligated to notify the donor of its duty to file. The donor then is obligated to file a major contributor report with the Commission. If the PAC has already given notice, it is not obligated to give a second notice. And if the donor does not receive notification about a duty to file from the PAC, it is not otherwise obligated to do so.

Imposing a penalty also nullifies the major contributor reports that were filed during the first NECEC direct initiative. If the statute required a second notice to the contributor and a second major contributor report, CEM should have been prohibited from adjusting its registration statement and switching its opposition from the first NECEC direct initiative to the second. CEM does not dispute that the second NECEC initiative is distinct from the first NECEC initiative. But the amendment to CEM's mission statement means that all of the information regarding the first NECEC initiative is applicable to and commingled with the second.

Indeed, the Commission itself has not separated the first NECEC initiative from the second in terms of the information that it made available to the public. As of the date of this letter, all of CEM's registrations are organized collectively under one heading on the Ethics Commission's website. All of CEM's quarterly reports relative to the first NECEC initiative are listed alongside its quarterly reports in the second.⁶ Indeed, the "top donors" listed on the home page aggregates the total contributions that individual donors have given to both the first and second NECEC initiatives. In every respect – other than the requirement that Avangrid file a second major contributor report – the Commission has treated and presented the two NECEC direct initiatives as one.

Undoubtedly when drafting the major contributor law, the Legislature did not envision the unusual scenario that has occurred here – a second direct initiative begun within eleven months of an earlier direct initiative on the exact same issue. They did not envision a scenario that a PAC engaged in a ballot measure campaign would have to send a second major contributor notice to a donor. And, in fact, the law does not place any

⁶ If there was a strict demarcation between the first and second NECEC initiatives, presumably the filings to the Ethics Commission would have been separated into expenditures before August 11, 2020 and those after that date.

obligation on a PAC to provide notice to a donor to file a second major contributor report when it already has provided timely notice to that same donor about its obligation to file a first major contributor report.

Request for Waiver

In the alternative, if the Commission were to conclude that the statute required Avangrid to file a separate second major contributor report, all of the information required by 21-A M.R.S. § 1060-A(4) already was on file with the Commission and was readily available to the public. Indeed, the specific information required by that section – the organization information and responsible officer; the form and purpose of the organization; certification that the organization had not received any contributions for the purpose of influencing a direct initiative; the source of funds; and its tax status, *see id.* § 1060-A(4)(A), (B), (D), (E), (F) – **was identical** to the information provided in the first major contributor report. Avangrid's second major contributor report provided absolutely no new information that wasn't already available to members of the public interested in examining CEM's contributors.

The only section of the second major contributor report that was at all different from the first was the section regarding the itemized contributions given to the recipient committee. Yet, all of the contributions made by Avangrid subsequent to its first major contributor report were timely and correctly filed with the Commission as part of CEM's 42 day Post-General Report (December 15, 2020) and January Quarterly Report (January 15, 2021).

Conclusion

The major contributor law cannot provide the basis for penalizing Avangrid for failing to file a second major contributor report because the law does not require CEM to notify that donor about disclosing its subsequent contributions. CEM amended its mission statement to directly reflect that it would be engaged in the second NECEC direct initiative, and consulted with the Commission Staff about this amendment before making it. Therefore, no new notice or reporting obligations arose.

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March 25, 2021

Alternatively, CEM respectfully requests that any penalty be waived given that Avangrid previously filed a major contributor report with the Commission and, moreover, all of the information in that report was available to the public and accurate in every material respect.

Sincerely,

A handwritten signature in blue ink, appearing to read "Newell A. Augur".

Newell A. Augur



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0135

January 29, 2021

Clean Energy Matters
ATTN: Kathleen Newman
PO Box 1698
Portland, ME 04104

Re: Late Major Contributor Notice – Avangrid Service Company/Clean Energy Matters

Dear Ms. Newman:

The Commission staff has made a preliminary finding that Clean Energy Matters (“the PAC”) was late in submitting a Notice to a Major Contributor as required by 21-A M.R.S. § 1060-A(2). The PAC was required to provide notice to Avangrid Service Company (“Avangrid”) by 11:59 p.m. on 11/23/2020 that Avangrid was required to file a major contributor report with the Commission. The Notice, however, was not sent to Avangrid until 01/22/2021. Under the Commission’s statutes, the late Notice triggers an enforcement process. 21-A M.R.S. §§ 1060-A & 1062. Based on the amount of the reported financial activity and the statutory 10% penalty, the Commission staff has determined that the preliminary penalty for the late notice is \$50,000. (Max Penalty) 21-A M.R.S. § 1060-A(5).

The PAC may request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the PAC did not provide the Notice to Avangrid by 11/23/2020. Upon receiving your request, the Commission staff will schedule your request for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the Notice was late due to, among other things, (1) the number of days that the report was filed late, and (2) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

Cc: Newell Augur, Esq. (via email)

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Clean Energy Matters
Kathleen Newman
PO Box 1698
Portland, ME 04104

Violation: Late Major Contributor Notice
Amount Due: \$50,000.00



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Mail: 135 State House Station, Augusta, Maine 04333

Office: 45 Memorial Circle, Augusta ME, 04333

Website: www.maine.gov/ethics

Phone: 207-287-4179

Fax: 207-287-6775

MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

Table with 3 columns: NAME OF REPORT:, NOTICE RECEIVED:, REPORT DUE ON OR BEFORE:.

ORGANIZATION INFORMATION

ORGANIZATION NAME Avangrid Inc.

MAILING ADDRESS 180 Marsh Hill Road PHONE 203-499-2399

CITY, STATE, ZIP CODE Orange, CT 06477 EMAIL doug.stuver@avangrid.com

RESPONSIBLE OFFICER NAME AND POSITION Douglas K. Stuver, Senior Vice President-Chief Financial Officer

FORM OF ORGANIZATION AND PURPOSE Utility Holding Company

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? [] Yes [X] No

If Yes, under what section of the tax code does it claim exemption?

Please list all jurisdictions with which this Organization files campaign finance reports: Maine

Empty rows for listing jurisdictions.

RECIPIENT INFORMATION

NAME OF RECIPIENT
Clean Energy Matters Political Action Committee

MAILING ADDRESS OF RECIPIENT
P.O. Box 1698, Portland, ME 04104

DATE OF FIRST CONTRIBUTION TO RECIPIENT
11/18/20 \$813,000.00 Cash Contribution

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE
\$3,246,422.80

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE
(If additional space is needed, continue on the "Schedule B-MC-1" Worksheet)

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
11/18/20	Cash Contribution.	\$813,000.00
12/08/20	In-kind Contribution.	\$5,179.75
12/10/20	Cash Contribution.	\$2,049,000.00
12/31/20	In-kind: \$1,243.14 and Cash contribution: \$378,000.	\$379,243.14

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. Shareholder Funds. Contributions to the Clean Energy Matters PAC are not recovered from Maine transmission and distribution customers.

2.

3.

4.

5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes *(If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)*
 No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.


Signature of Responsible Officer of Organization

1/26/21
Date



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	REPORT DUE ON OR BEFORE:	NOTICE RECEIVED:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1 - March 31, 2020
<input checked="" type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1 - May 26, 2020
<input type="checkbox"/> Primary Election 2-Day Report	Within 2 business days after receipt of notice.	May 27 - June 9, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	June 10 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1 - October 20, 2020
<input type="checkbox"/> 2020 General Election 2-Day Report	Within 2 business days after receipt of notice.	October 21 - November 3, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	November 4, - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2021	December 9 - December 31, 2020

ORGANIZATION INFORMATION

ORGANIZATION NAME Avangrid, Inc.	
MAILING ADDRESS 180 Marsh Hill Road	PHONE 203-499-2399
CITY, STATE, ZIP CODE Orange, CT 06477	EMAIL doug.stuver@avangrid.com
RESPONSIBLE OFFICER NAME AND POSITION Douglas K. Stuver, Senior Vice President-Chief Financial Officer	
FORM OF ORGANIZATION AND PURPOSE Utility Holding Company	

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, under what section of the tax code does it claim exemption?
Please list all jurisdictions with which this Organization files campaign finance reports:
Maine

RECIPIENT INFORMATION

NAME OF RECIPIENT

Clean Energy Matters Political Action Committee

MAILING ADDRESS OF RECIPIENT

P.O. Box 1698, Portland, ME 04104

DATE OF FIRST CONTRIBUTION TO RECIPIENT

09/23/2019 (In-Kind); 04/6/2020 (cash)

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE

\$3,091,658.36 Combined amount includes cash \$3,078,642 and In-Kind \$13,016.36

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-2" Worksheet)

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
04/06/2020	Cash donation from Avangrid Service Company, an Avangrid, Inc. subsidiary.	\$1,838,642.00
04/29/2020	Cash donation from Avangrid Service Company.	\$1,240,000.00
09/23/2019	In-kind: 5.5hrs. Avangrid Management Company ("AMC) staff time for preparation of PAC registration. Legal Services-contract review. Dates of services: 09/18/19-09/23/19 (AMC is an Avangrid Inc. subsidiary)	\$ 1,108.55
09/30/2019	In-kind: 3hrs. AMC staff time-Legal Services.	\$ 393.63

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. Shareholder Funds. Contributions to the Clean Energy Matters PAC are not recovered from Maine transmission and distribution customers.

2.

3.

4.

5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes *(If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)*
 No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Douglas K Stuver

Signature of Responsible Officer of Organization

07/06/2020

Date

Schedule B-MC-1

Contributions Received to Influence Maine Ballot Question Worksheet

- Please list all contributions, as defined in 21-A M.R.S.A. §§ 1052(3) & 1060-A(1)(A), received, in whole or in part, for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign in Maine in the spaces provided.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR’S NAME, ADDRESS, ZIP	DESCRIPTION (cash or goods, services, or discounts received)	VALUE
Total contributions (this page only) ⇒			

Schedule B-MC-2**Itemized Contributions to Recipient Worksheet**

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
09/30/2019	In-kind: 2hrs. AMC staff time for opening bank account	\$ 288.60
09/30/2019	In-kind: 2hrs. Avangrid Service Company ("ASC") staff time--Legal Services.	\$ 409.66
02/01/2020	In-kind:1 hr. ASC staff time for campaign coordination. Dates of services 01/01/20-02/01/20 (ASC is a wholly-owned subsidiary of Avangrid, Inc.)	\$ 207.19
02/16/2020	In-kind: 4hrs. ASC staff time for creative production.	\$ 539.00
02/28/2020	In-kind: 4hrs. ASC staff time for creative production.	\$ 539.00
02/29/2020	In-kind: 3hrs. ASC staff time for campaign coordination. Dates of service: 02/16/20-02/29/20	\$ 621.57
03/14/2020	In-kind: 4hrs. ASC staff time for campaign coordination. Dates of service: 03/01/0-03/14/20	\$ 828.76
03/28/2020	In-kind: 8hrs. ASC staff time for campaign coordination. Dates of service: 03/15/20-03/18/20	\$1,657.51
04/11/2020	In-kind: 2hrs. ASC staff time for campaign coordination. Dates of service: 03/29/20-04/11/20	\$ 414.38
04/25/2020	In-kind: 5hrs. ASC staff time for campaign coordination. Dates of service: 04/12/20-04/25/20	\$1,035.95
05/09/2020	In-kind: 7hrs. ASC staff time for campaign coordination. Dates of Service 04/26/20-05/09/20	\$1,450.33
05/23/2020	In-kind: 5hrs. ASC staff time for campaign coordination. Dates of service 05/10/20-05/23/20	\$1,035.95
06/06/2020	In-kind: 4hrs. ASC staff time for campaign coordination. Dates of service 05/24/20-06/06/20	\$ 828.76
06/20/2020	In-kind: 4hrs. ASC staff time for campaign coordination. Dates of service 06/07/20-06/20/20	\$ 828.76
06/30/2020	In-kind: 4hrs. ASC staff time for campaign coordination. Dates of service 06/21/20-06/30/20	\$ 828.76

Title 21-A Maine Revised Statutes

§1060-A. Campaign for direct initiative or people’s veto; reporting by major contributors

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Contribution” has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

- (1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people’s veto referendum or direct initiative campaign;
- (2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign; and
- (3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee’s activities during the campaign.

B. “Major contributor” means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people’s veto referendum campaign or any one direct initiative campaign.

2. Notice to major contributor. Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

3. Required reports. A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The

commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

4. Content. In the reports required under subsection 3, a major contributor shall provide:

- A.** The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;
- B.** The form of organization and purpose of the major contributor;
- C.** The amount and date of each contribution from the major contributor to the recipient committee;
- D.** A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;
- E.** The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and
- F.** A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

5. Noncompliance. The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

**Testimony of Jonathan Wayne, Executive Director of the
Commission on Governmental Ethics and Election Practices
before the Joint Standing Committee on Veterans and Legal Affairs
March 20, 2018**

Senator Mason, Representative Luchini, and distinguished members of the committee: my name is Jonathan Wayne, and I am the Executive Director of the Maine Commission on Governmental Ethics and Election Practices. Thank you for the opportunity to testify concerning **L.D. 1865**. I am going to testify concerning section 7, which is a proposal to shed light on organizations contributing more than \$100,000 to Maine-based PACs and ballot question committees (BQCs). Last year, the Ethics Commission made a similar proposal in L.D. 1480, but it was heard too late in the session to be given serious consideration.

In Maine, PACs and BQCs may receive unlimited amounts from their contributors. Many of the largest contributors influencing ballot questions are non-profit organizations based outside of Maine that seek to influence public policy in different states. In some cases, Mainers may have heard of these organizations (*e.g.*, the NRA or the National Education Association), but others are far from household names. L.D. 1865 would provide one more layer of reporting to give members of the Maine public a fighting chance to understand who these contributors are, by requiring them to file a one-time report with the Commission.

The scope of organizations affected by this proposal would be narrow. LD 1865 (§ 7) only covers organizations that have contributed more than \$100,000 to a

Maine PAC or BQC for purposes of influencing a ballot question. In some years, this could be as many as two dozen organizations – most of them from outside of Maine.

To provide you with a general idea of the types of organizations that might be affected if this proposal were enacted, I have attached a chart of contributors that gave cash and in-kind contributions to PACs or BQCs totaling more than \$100,000 in 2016 or 2017 for purpose of influencing a ballot question.

I have also attached a summary of the types of information the major contributor would have to report about themselves: basic contact information about the organization and a responsible officer, as well as the type of organization and a description of its purpose. The major contributor would need to disclose the five largest sources of funds.

The organization would also certify that it had not raised money for the purpose of influencing Maine elections (if true). This would function as a verification that the organization is exempt from registering as a PAC or BQC in Maine. While this statement is not a 100% guarantee, it would provide more assurance than the State and its citizens currently receive under Maine law.

Thank you for your consideration of this testimony.