



Minutes of the January 28, 2026 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 9:02 a.m.

1. Ratification of the September 24 and October 6, 2025 Meeting Minutes

Mr. Marble moved to approve the September 24 and October 6, 2025 minutes as presented. Ms. LeClaire seconded the motion. The motion passed 4-0.

2. Request for Waiver of Late Filing Penalty - Save Maine Absentee Voting

Save Maine Absentee Voting is a ballot question committee formed by a group of organizations that opposed Question 1 on the November 4, 2025 ballot, which was a citizen initiative to restrict absentee voting. The ballot question committee acknowledged that it was late filing a 24-hour report (due October 23, 2025) of an in-kind contribution of paid staff time by a Maine nonprofit. It requested a waiver of the preliminary \$10,000 late-filing penalty. The Commission staff recommended reducing the penalty to \$500 because the committee misapplied an exception to the 24-hour reporting requirement. The ballot question committee mistakenly believed that an exception for recurring expenditures for staff also covered in-kind contributions of staff time received by the committee.

Lisa Prosienski, counsel for Save Maine Absentee Voting, said her client appreciated the staff analysis and recommended reduction. She explained the misinterpretation of the law that led to the error. Mr. Marble moved to find the 24-Hour Report was filed late and reduce the penalty to \$500. Mr. Schneider seconded the motion. The motion passed 4-0.

3. Request for Investigation - Maine Democratic Party's Disclosure of 2025 Activities against Question 1

Mr. Wayne said that Mr. Alex Titcomb filed a complaint arguing that the Maine Democratic Party should have registered and filed financial reports as a ballot question committee in 2025 because it received and spent more than \$5,000 to oppose Question 1 on the November 4, 2025 ballot. The Maine Democratic Party responded that it properly disclosed its financial activities to oppose Question 1 in the regular campaign finance reports it had filed as a party committee under a different statute and was not required to register and file reports as a ballot question committee.

Commission members said they would like to receive an opinion from Assistant Attorney General Jonathan R. Bolton about how the different reporting requirements should be applied. Mr. Bolton said he would be happy to prepare a memo. In response to an inquiry from Mr. Marble, Mr. Bolton expressed doubts that Maine campaign finance law would require the same entity to file two parallel sets of reports that overlap substantially or entirely.

Mr. Marble said his core question was: since Maine has rules describing campaign finance reporting requirements for political parties, why would the Commission superimpose on the Maine Democratic Party another set of rules that apply to ballot question committees? Mr. Hastings said he did not see many factual questions in dispute. The only factual question was how much was spent by the Maine Democratic Party to oppose the ballot question. If the Commission determines that should have been reported, the penalty to some extent would be based on the amount spent.

Mr. Alex Titcomb addressed the Commission and summarized his complaint. He said the Maine Democratic Party is a sophisticated political entity that raises and spends tens of millions of dollars, retains legal counsel, and routinely navigates complex campaign finance requirements. The reporting deficiencies identified by the Commission staff memo are significant. The Maine Democratic Party should have filed reports eleven days before and 42 days after the election, and perhaps was required to file 24-Hour Reports. Also, the party did not designate which expenditures opposed Question 1. He agreed with Commission staff that a reasonable member of the public viewing the party's reports could not determine how and when the party spent money to influence the initiative. The harm was the absence of timely public

disclosure during an active referendum when voters were entitled to know who was spending significant sums to influence their vote.

Attorney Kate Knox, representing the Maine Democratic Party, said the party thought very hard about the reporting requirements and concluded that it was not reasonable for the party to double report its transactions. So, the party reported all its financial activity in its quarterly reports. She acknowledged the Commission may decide it wants more detail in those quarterly reports, which would be perfectly fine with the party but to be clear: all the activity at issue was on the party's reports.

She said after learning that Commission staff was making a different recommendation, counsel for the party reached out to Commission staff. At every point in this process, the party was acting in good faith, trying to comply, and it reached out to explain its approach to reporting. Ms. Knox said the Maine Democratic Party should get the benefit of the doubt.

Ms. Knox explained the Maine Democratic Party used the bulk upload feature in the Commission's old eFiling system. During that process, a filer is not asked to select a ballot question from a drop-down list. The party would be happy to amend its reports to indicate the ballot question.

Mr. Schneider asked if Ms. Knox thought that the party's reporting adequately let the public know what expenditures had been made by the party in relation to Question 1. Ms. Knox said she thought it could have been better, but the party did what the bulk upload system allowed it to do. The party never decided it was not going to indicate the purpose of the expenditures or didn't want to tell the public. She argued the party should not be subject to an investigation.

In response to a question from Mr. Hastings, Ms. Knox said it was right there is nothing in the party's reports that would allow anybody to identify the amount spent by the party on the ballot question specifically. Ms. LeClaire asked Ms. Knox to elaborate on bulk upload issue. Ms. Knox referred the question to Taylor Grant, the finance director of the party, who was present. Ms. Grant said when a filer uses the bulk upload, it's a CSV or excel file, and the file doesn't include a way to indicate whether an expenditure is for a ballot question or a candidate. The only way you can designate that is when you manually enter or edit that information directly in the system.

Mr. Schneider asked whether the system would allow the Maine Democratic Party to modify a transaction after the bulk upload. Ms. Grant said she didn't know off the top of her head.

Mr. Titcomb was recognized and said when doing the bulk upload a filer can designate what campaign the expenditures are for. Mr. Schneider confirmed that if the Commission authorizes an investigation, Mr. Wayne will look into that.

Mr. Schneider moved that the Commission investigate the situation and request a legal memorandum from its counsel that will flesh out the legal issues. Mr. Marble seconded the motion. The Commissioners debated whether Mr. Bolton's legal opinion should precede any investigation. The motion passed 4-0.

4. Rulemaking

In July 2025, the Commission decided to initiate a rulemaking by inviting comments on amendments proposed by Commission staff. The amendments were intended to update the rules to be consistent with current statute and Commission procedures. During the comment period, the Commission received only one comment, which was not germane to the proposed amendments. The staff recommended adopting the changes proposed in July 2025.

Mr. Schneider moved to adopt the rule changes. Mr. Marble seconded the motion. The motion passed 4-0.

Other Business

Mr. Wayne provided the Commission with an update on the transition to a new electronic filing system and the conversion of data in the old system so that it will show up in the new system accurately. During this period, some candidates were unable to collect \$5 qualifying contributions by credit card through the Commission's online qualifying contribution service. Mr. Wayne said he know of eight affected candidates. He confirmed the deadline for candidates to qualify is April 21, 2026.

Mr. Wayne asked if the staff should develop legislation that potentially could resolve ambiguities in the law concerning how party committees report their financial activity to influence ballot questions. The Commission expressed its support, provided that the legislation

was presented to the Commission at a special Zoom meeting for its approval prior to submission to the Maine Legislature.

Adjournment

Mr. Hastings made a motion to adjourn. Mr. Marble seconded. The motion passed 4-0. The meeting adjourned at 10:08 a.m.

Respectfully submitted,
Jonathan Wayne, Executive Director