



Minutes of the August 23, 2023 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 Stacey Neumann, Esq.; Sarah LeClaire, Esq. (by Zoom)

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General (by Zoom)

Commissioner Schneider convened the meeting at 9:02 a.m.

1. Ratification of the Minutes of the July 24, 2023 Meeting

Mr. Marble moved to ratify the July 24, 2023 minutes. Ms. Neumann seconded the motion. The motion passed 5-0.

2. Request for Waiver of Late Filing Penalty – We the People PAC

We the People PAC made a \$425 contribution on April 4, 2023 to Mr. Abden Simmons, who was a candidate in the special election for House District 45. The contribution required the committee to file an 11-Day Pre-Special Election Report by June 2, which was filed 45 days late on July 17. The preliminary penalty for the late report was \$1,147.50 and the PAC requested a waiver of the penalty. Staff recommended a penalty reduction to \$400.

Prior to the meeting, Ms. Emma Burke, Political Committee & Lobbyist Registrar, spoke to the PAC's principal officer, Rep. Billy Bob Faulkingham and its attorney, Mr. Joshua Tardy. She reported to the Commission that they accepted the staff recommendation.

Mr. Marble moved to reduce the penalty to \$400. Mr. Hastings seconded the motion. The motion passed 5-0.

3. Request for Waiver of Late Filing Penalty – Star City PAC

Star City PAC contributed \$475 on April 10, 2023 to Mr. Abden Simmons to support him in the House District 45 special election. The PAC was required to file an 11-Day Pre-Special Election

Report by June 2, which was filed 39 days late on July 11. The preliminary penalty was \$370 and the PAC requested a waiver of the penalty. Staff recommended a penalty reduction to \$200.

PAC treasurer, Mr. Zach Lingley, appeared and acknowledged he did not read all communications from the Commission staff thoroughly. He said he was unaware of the need to file this report, and asked the Commission to consider a penalty reduction.

Mr. Marble moved to reduce the penalty to \$150. Ms. Neumann seconded the motion. The motion passed 5-0.

4. Request for Waiver of Late Filing Penalties – Lobbyist Dan Morin - Withdrawn

5. Request for Waiver of Late Filing Penalty – Lobbyist Josh McClenney

Mr. Wayne explained that once a candidate registers with the Commission, they are required to file a monthly report on the 15th day of each month that covers the previous month's activity. Mr. Josh McClenney was required to file his first monthly report on July 15, 2023, but was 7 days late. The preliminary penalty for the late June Lobbyist Report was \$100. Commission staff recommended no reduction in the penalty.

Mr. McClenney appeared and said that he attempted to file his first report a day early and was under the impression the report had been filed. After returning from vacation, he saw an email notice that the report was unfiled and he took care of it immediately. He asked the Commission to consider a penalty reduction.

Ms. Neumann moved to reduce the penalty to \$50. Mr. Marble seconded the motion. The motion passed 5-0.

6. Audits of 2022 Maine Clean Election Act Candidates

After each general election, the Commission randomly selects about 20% of Maine Clean Election Act candidates for the Legislature to be audited. Mr. Wayne said that the accounting firm of Runyon Kersteen Ouellette (RKO) was selected to perform the audits of 2022 candidates. Recent audits have shown a high rate of compliance among the Maine Clean Election Act candidates.

Ms. Jennifer Connors, a certified public accountant with RKO, reported that the firm was nearly finished with the 2022 audits. Most of the testing completed to date had been clean, but the auditors had found some exceptions. Exceptions are minor reporting or record-keeping errors. The most common error is that candidates report a purchase in the report period when they made the payment, not when they made a commitment to purchase the goods or services. Ms. Connors explained that RKO prepares an individual report for each candidate listing any exceptions or findings. After completing all audits, RKO will prepare a comprehensive summary. An update is scheduled for the Commission's November 29, 2023 meeting.

7. Rulemaking

Prior to the Commission meeting the Commission staff had circulated proposed rule amendments. At the meeting, Mr. Wayne provided background information on independent expenditure reporting. The Commission considered the proposed rule amendments and suggested changes to Chapter 1, § 10(5). The proposed rulemaking was continued to the Commission's October 25, 2023 meeting.

Adjournment

Ms. Neumann made a motion to adjourn. Mr. Marble seconded. The motion passed 5-0. The meeting adjourned at 10:27 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director