



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

DRAFT

Minutes of the December 18, 2024 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 Beth Ahearn, Esq.

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General
Commissioner Schneider convened the meeting at 9:04 a.m.

1. Ratification of the Minutes of the October 30 and November 4, 2024 Meetings

Mr. Schneider moved to ratify the October 30, 2024 minutes. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Schneider moved to ratify the November 4, 2024 minutes. Mr. Marble seconded the motion. The motion passed 4-0.

2. Request for Penalty Waiver – Hon. Scott Cyrway

Scott Cyrway is an experienced candidate who was elected to the State Senate in 2024. He was required to file a 24-Hour Report on October 29, 2024, but filed it one day late. The preliminary penalty for the late report was \$43.98. Allan Rowe, his treasurer, requested a full waiver of the penalty. Since the preliminary penalty of \$43.98 was already below the usual range of penalties for a late-filed report, Commission staff did not recommend a waiver.

Sen. Cyrway appeared before the Commission and said he was requesting a waiver because of his treasurer's workload as a volunteer, the timeliness of financial reporting in his previous campaigns, and because the report was only one day late.

Mr. Schneider moved to find the report was filed late and assess a \$43.98 penalty. Mr. Marble seconded the motion. The motion passed 4-0.

3. Request for Penalty Waiver – Leo Kenney

Mr. Leo Kenney was a Senate candidate who was required to file an 11-Day Pre-General Report on October 25, 2024. The report was filed one day late by Mr. Kenney's treasurer. The preliminary penalty for the late report is \$835.37 and Mr. Kenney requested a full waiver of the penalty. Commission staff recommended reducing the penalty to \$300.

Mr. Kenney had difficulty finding a treasurer for his campaign, but his retired cousin agreed to the position. He attempted to file the report the evening of October 25 but was bumped out of the Commission's eFiling system. At 2:45 a.m., the morning after the due date, he was able to file the report. Mr. Kenney requested a waiver due to the effort to file the report and the short period of time it was late.

Mr. Schneider moved to find the report was filed late and reduce the fine to \$300. Mr. Hastings seconded the motion. The motion passed 4-0.

4. Request for Penalty Waiver – Kevin Freeman

Mr. Kevin Freeman was a Senate candidate who was required to file an 11-Day Pre-General Report on October 25, 2024. The report was filed one day late by Mr. Freeman's treasurer, Ms. Shelly Mountain. The preliminary penalty for the late report was \$184.43. Ms. Mountain requested a penalty waiver. As Mr. Freeman's preliminary penalty of \$184.43 was already below the usual range for a late-filed report, Commission staff did not recommend a waiver.

Ms. Mountain said she thought she had hit the button to submit the report but found out later she had not completed the filing process. She said these kinds of late filing penalties discouraged people from getting involved in the political process.

Mr. Schneider moved to find the report was filed late and assess a penalty of \$184.43. Mr. Marble seconded the motion. The motion passed 4-0.

5. Complaint – Communications Opposing Bar Harbor Referendum

On November 5, 2024, the town of Bar Harbor held a referendum on a local ordinance that would increase the number of passengers allowed to disembark from cruise ships. The Commission received a complaint from Ms. Kristi Bond concerning communications opposing the referendum. Commission staff gathered preliminary information. Two communications were paid for by an informal group of 10-12 individuals that included Ms. Carol Chappell and Mr.

Peter Scott. Two other communications were paid for by individuals acting independently of the group. Staff recommended taking no further action because the communications costing more than \$500 accurately identified the people who paid for them, and it appeared none of the spenders met the \$5,000 contribution/spending threshold requiring them to register with the Commission as a municipal ballot question committee (BQC). Nevertheless, Ms. Chappell's group chose to file as a BQC to shield themselves from any local criticism.

Ms. Chappell explained her loosely organized group studied the ballot question, shared ideas, and wrote drafts of articles for the local newspaper. They distributed communications, had a website, and a Facebook page. They spent less than \$5,000 so they did not feel they needed to form a BQC, but once they heard of the Ethics complaint, they decided in the interest of transparency to register as a BQC to show the community how much their efforts cost.

Mr. Schneider moved to take no further action on the complaint. Mr. Marble seconded the motion. The motion passed 4-0.

6. Request for Penalty Waiver – Bright Future Maine PAC

On November 2, 2024, Bright Future Maine (the PAC) received a \$10,000 contribution and was required to file a 24-Hour Report by November 3, but did not do so until November 11. The PAC requested a waiver of the \$2,800 preliminary penalty. Commission staff recommended the penalty be reduced to \$1,000.

Mr. Joshua Tardy, Esq. representing the PAC said he agreed with the staff recommendation and analysis. He stated the statutes need to be enforced, but encouraged a discussion about overhauling what he felt were redundant and a bureaucratic morass of filing deadlines. He proposed the Legislature or the Commission put together a working group to make recommendations.

Mr. Schneider moved to find the report was filed late and reduce the fine to \$1,000. Mr. Marble seconded the motion. The motion passed 4-0.

7. Request for Penalty Waiver – Cumberland County Republican Committee (CCRC)

A representative of the Cumberland County Republican Committee (CCRC) was not present when the agenda item was before the Commission. Mr. Schneider moved to postpone

consideration of the item until next month's meeting to allow the representative to attend. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Michael Hall of the CCRC then appeared on Zoom, and Mr. Schneider moved to consider the matter. Mr. Hastings seconded the motion. The motion passed 4-0.

The CCRC was required to file a 2-Day Pre-General Independent Expenditure (IE) Report no later than October 20, 2024, but filed the report five days late on October 25. CCRC requested a waiver of the \$382.50 preliminary penalty. Commission staff recommended reducing the penalty to \$100.

Mr. Hall said he was an inexperienced volunteer treasurer for the committee, which had more activity than he was accustomed. He was made aware of the late report as he was filing and immediately contacted staff for guidance.

Mr. Schneider moved to find the report was filed late and reduce the fine to \$100. Mr. Marble seconded the motion. The motion passed 4-0.

8. Request for Penalty Waiver – FAM PAC

FAM Political Action Committee (FAM PAC) was late in filing a 2-Day Pre-General Independent Expenditure Report (IE). The IE was due on October 13, 2024, but was filed twelve days late on October 25. PAC treasurer Melissa Smith requested a waiver or reduction of the \$365.40 preliminary penalty in writing and did not participate in the meeting. Given the factors in this case and the amount of the preliminary penalty, Commission staff recommended no reduction of the penalty.

Ms. Ahearn moved to find the report was filed late and to assess a penalty of \$365.40. Mr. Schneider seconded the motion. The motion passed 4-0.

9. Memo – Supporter Pays for a Mailing

At a previous meeting, the Commission considered a case in which a local BQC in Cape Elizabeth asked a supporter to pay for a mailing. Commissioner Hastings asked for an analysis of whether the payment constituted an expenditure by the BQC or a contribution to the BQC. In the packet for the meeting, Mr. Wayne included a memo in which he reconsidered some staff views that he had expressed when the Cape Elizabeth matter was discussed. The Commission considered the memo and took no further action.

Executive Session - Potential Litigation

Pursuant to 1 M.R.S. § 405(4), Mr. Schneider moved to go into executive session pursuant to 1 M.R.S. § 405(6)(E) and Chapter 1, § 5(2) of the Commission rules to consult with the Commission's counsel concerning pending or contemplated litigation against the Commission. Mr. Hastings seconded the motion. The motion passed 4-0 at approximately 10:14 a.m. The Commission met in executive session until 10:41 a.m., when it reconvened in public session.

Adjournment

Ms. Ahearn made a motion to adjourn. Mr. Marble seconded. The motion passed 4-0. The meeting adjourned at 10:42 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director