



Minutes of the February 25, 2026 Meeting of the  
Commission on Governmental Ethics and Election Practices  
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble (by Zoom); David Hastings, Esq. (by Zoom); and Sarah LeClaire, Esq. (by Zoom)

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General  
Commissioner Schneider convened the meeting at 9:06 a.m.

### **1. Ratification of the January 28 and February 10, 2026 Meeting Minutes**

Mr. Schneider moved to approve the minutes of the January 28 and February 10, 2026 meetings as presented. Mr. Marble seconded the motion. The motion passed 4-0.

### **2. Request for Investigation – Maine Democratic Party**

Alex Titcomb filed a request to investigate the Maine Democratic Party's campaign finance reporting of its 2025 financial activities to oppose Question 1. The party responded that it properly included those activities in the campaign finance reports it filed as a party committee. At its January 28, 2026 meeting, the Commission requested a legal memo from its counsel and directed staff to begin an investigation.

Mr. Wayne introduced the agenda item, including by referring to the legal memo in the meeting packet from the Commission's counsel, Assistant Attorney General Jonathan R. Bolton. At the suggestion of the chair, Mr. Wayne outlined potential violations of 21-A M.R.S. § 1017-A if the Commission accepts its counsel's recommended application of the law.

Mr. Bolton discussed his analysis of the law. He said the statutes were not as clearly written as they could be. Given the lack of legislative history addressing the hypothetical of a party committee influencing a ballot question, he believed the Commission should look at the text of the applicable statutes and make them workable within the framework of the campaign finance law. He summarized three different ways of looking at the statutes. He concluded the best reading of the law was that party committees would report ballot question activity in their

party committee reports filed under 21-A M.R.S. § 1017-A and would not be subject to ballot question committee reporting. He said the Commission could reach a different reading, which would be defensible. In response to a question from Mr. Marble, Mr. Bolton acknowledged there was an argument that the Maine Democratic Party had not fully reported as required under § 1017-A.

Mr. Titcomb addressed the Commission and said his interest was in the principle that the law should be applied consistently across all parties. He referred to a memo he had submitted disagreeing with Mr. Bolton's analysis. In response to points made by Mr. Titcomb, Mr. Schneider briefly described some factors used by attorneys in identifying legislative intent. Mr. Titcomb illustrated how the public was harmed by not receiving timely notice of spending by the Maine Democratic Party through referring to screenshots from the Commission's public access website. He said the Commission staff had not yet fully investigated the facts. Mr. Schneider said that Mr. Titcomb was playing a valuable role in bringing this forward to the Commission's attention. Mr. Titcomb summed up by saying that the Maine Democratic Party is a sophisticated filer that should be held accountable if it did not follow the law and that he appreciated the time of the Commission.

Attorney Kate R. Knox made comments to the Commission on behalf of the Maine Democratic Party. The party agrees with Assistant Attorney General Bolton's legal conclusion and disagrees with Mr. Titcomb's characterization of the party's activities. If the Commission would like the party to disclose more details concerning its expenditures, the party has no problem doing that. The party has arguments it would like to make concerning which reports were filed but can wait to present those after hearing the Commission staff's recommendations. The party has tried to be very forthcoming in answering questions from the staff. Ms. Knox acknowledged that the purpose of the party's expenditures could have been better disclosed. She said it's hard to overstate how much filers rely on the Commission's eFiling system to determine which campaign finance reports are due, but the party will provide more explanation on this later.

Mr. Schneider said the Commission has two questions to handle. First, the Commission should decide on the legal interpretation of the statutes. Second, the Commission should decide whether the investigation should continue. Commissioners Marble and Hastings expressed their agreement.

Mr. Schneider moved that the Commission adopt Mr. Bolton's application of the statute. Mr. Marble seconded the motion. Mr. Schneider said that Mr. Titcomb had raised some good points, but the Commission should keep its focus on the outcome of the statutory scheme, which is informing the public. He said interpreting the statutes to require a party committee to file duplicative reports as ballot question committees would not provide the public with any additional information, provided that the party committee filed its reports correctly. Ms. LeClaire said she agreed the Commission should accept Mr. Bolton's conclusion but wanted to clarify it is that parties are not required to report as ballot question committees and the Commission would move on from there. Mr. Schneider said that was correct. Mr. Hastings said he agreed with that conclusion. The Commission voted 4-0 in favor of the motion to adopt Mr. Bolton's statutory interpretation. Mr. Schneider thanked Mr. Bolton for his work and Mr. Titcomb for his legal argument.

Mr. Schneider moved to authorize Mr. Wayne to continue to investigate the case. Mr. Marble seconded the motion. Ms. LeClaire sought to clarify that Mr. Wayne would investigate whether the party, acting as a party, had inadequacies in its reporting. She asked that Mr. Wayne report on any systemic barriers in its reporting. Mr. Schneider said that made sense. The Commission voted 4-0 in favor of the motion.

Mr. Schneider thanked all parties for participating in the meeting and providing their input.

### **3. Request for Investigation – State Senator James Libby's Campaign for Governor**

Mr. Wayne summarized a complaint filed by candidate David Jones against State Senator James Libby. Sen. Libby is seeking Maine Clean Election Act funding as a candidate for Governor. During the qualifying period, he must pay for services with seed money contributions, which are donations of up to \$250 from individuals. Sen. Libby hired a consultant to manage projects for him during the qualifying period. Part of the consultant's business is hiring people to collect signatures on petitions to qualify citizen initiatives for the ballot. The consultant was

recorded making a telephone call to someone who worked for him collecting petition signatures. The consultant tried to recruit this individual to collect qualifying contributions (QCs) for Sen. Libby and offered to pay him “under the table.” The petition circulator did not agree to collect QCs for Jim Libby. Mr. Wayne said the compliance concern was that the consultant might have paid people to collect QCs through a source of funds other than seed money collected by the campaign, which would be a violation of the seed money requirements.

Mr. Wayne said Sen. Libby surveyed the people who collected QCs for him to verify that they were not paid. The candidate submitted to the Commission signed statements by seven of Sen. Libby’s QC collectors stating they were volunteers and were not coerced into collecting QCs by being promised additional compensation.

Mr. Hastings asked Mr. Wayne to confirm whether the potential violation was that the consultant actually paid QC collectors from a source other than seed money. Mr. Wayne said that was correct. Mr. Hastings then asked: in order for there to be a violation, would there have to be a payment of money? Mr. Wayne confirmed that was right.

Ms. LeClaire asked whether the consultant’s attempt to solicit the QC collection implicated any other law. Mr. Bolton said that willfully or knowingly violating the Maine Clean Election Act is a crime and criminal attempt is also a crime that has specific requirements. He suggested it was premature to reach any conclusions about whether crimes occurred.

In response to a question from Mr. Marble about how the audio recording was made, John Andrews introduced himself on behalf of the David Jones campaign. He explained that the signature collector who recorded the call previously had been burned by the consultant, so he recorded the phone conversation to protect himself. He was not expecting to hear what the consultant said. The signature collector felt compelled to bring it to the Jones campaign.

Sen. Libby addressed the Commission. He said he was willing to answer any questions from the Commission. He stated he had no idea that a person representing his campaign would say something like that, which was disappointing. He spoke to the people who were collecting QCs for him and distributed a written statement for them to sign documenting they were volunteers. They said they were perfectly comfortable signing the document.

Sen. Libby said the consultant who made the comments takes ownership over them and understands the gravity of the circumstances. He added it can be intoxicating for young people to be involved in a statewide campaign. The consultant got way over his skis and said something

really inappropriate. The consultant has assured the candidate that no money was improperly paid. Sen. Libby said that he is willing to cooperate with the Commission and trusts its process.

Ms. LeClaire addressed Mr. Libby and asked if he would have any objection to the Commission staff speaking to his volunteers. Mr. Libby said he would welcome it and has confidence in the staff. Mr. Marble told Sen. Libby his sense of responsibility is appreciated.

Ms. LeClaire moved that the Commission authorize staff to investigate the allegations and report back to the Commission. Mr. Marble seconded the motion.

Mr. Hastings expressed he was not sure if an investigation was necessary. He said there was no suggestion that money changed hands from the consultant to anybody. The people collecting the QCs have told the candidate they were not compensated by anybody. The investigation would consist of asking the collectors if they told the truth in their written statements. Mr. Hastings said he did not see that this has risen to the level of needing any further investigation.

Mr. Schneider said he tended to agree. The Commission knows conclusively that the person who recorded the phone call did not collect QCs for Jim Libby and did not take any money. The Commission does not have evidence that anyone took money from the consultant to collect QCs. To authorize an investigation, some level of evidence of a possible violation should be present.

Mr. Marble said he had mixed feelings. On one hand he agreed with Mr. Hastings, but on the other hand an investigation might fully resolve the situation. He confirmed he was leaning toward supporting the motion for an investigation.

Ms. LeClaire said if she were in the candidate's position, she would want an independent investigation to lay to rest any concerns about this incident. Mr. Schneider said he didn't disagree but he thought it was pretty clear there was really no evidence of any actual violation, which is required for an investigation.

Mr. Hastings said he would support the motion for an investigation only if Sen. Libby asked for an investigation. Sen. Libby replied that he would accept whatever the Commission decided but would not ask for an investigation because he wanted to show the people who volunteered for him that he respected them and believed their written statements.

Ms. LeClaire asked if Mr. Wayne had changed his recommendation for an investigation. Mr. Wayne responded he would want to conduct an investigation only if there is an actual

majority of the Commissioners who favored an investigation. If support for an investigation among the Commissioners is two to two, he would rather not embark on one. He said he agrees with the Chair's comments that there needs to be a predicate before the State of Maine starts an investigation and if half of the Commission believes there is not a sufficient basis, perhaps the correct action is not to investigate. Mr. Wayne offered as an alternative that if Sen. Libby submits 3,200 qualifying contributions the staff is authorized by statute to investigate to verify he has met all legal requirements to receive public funding.

The Chair recognized John Andrews from the David Jones campaign. Mr. Andrews said the Commission is setting a precedent that a candidate's self-investigation with no sworn statements supersedes the Commission's ability to investigate. Mr. Andrews stated that it was incumbent on the Commission to do an investigation.

Mr. Schneider said he believed Mr. Andrews misinterpreted the Commission's comments. He said the Commissioners' comments did not focus on Sen. Libby's self-investigation but rather on the level of evidence that is necessary to authorize an investigation. Mr. Andrews replied that he would stop by the District Attorney's office.

Ms. LeClaire said that, in light of Mr. Wayne's comments that the staff retains the ability to investigate on its own if Sen. Libby turns in QCs, she would be prepared to withdraw her motion. Mr. Schneider asked if she was withdrawing her motion. She confirmed that she was.

Mr. Schneider moved that the Commission take no further action on the complaint. Mr. Marble seconded the motion. The motion passed 4-0. Mr. Schneider thanked Sen. Libby and Mr. Andrews for addressing the issues.

## **Adjournment**

Mr. Hastings made a motion to adjourn. Mr. Marble seconded. The motion passed 4-0. The meeting adjourned at 10:31 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director