



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

To: Commission
From: Jonathan Wayne, Executive Director
Date: October 29, 2024, 8:50pm
Re: Item for Other Business - Complaint about Facebook Ad by Auburn Dem. City Cmte

This afternoon, the Commission received a complaint by Alex Titcomb about an 8-second video posted on Facebook by the Auburn Democratic City Committee criticizing Laurel Libby, the Republican nominee for the Maine House of Representatives, District 90, and containing language above the ad supporting her Democratic opponent: "Vote Coach Dan Campbell on November 5th." A live posting of the video posting is visible at this link: <https://www.facebook.com/search/top?q=auburn%20city%20democrats>.

I received a response this evening from Michael Polk, the secretary and vice chair of the Auburn Democratic City Committee. He says the committee is solely responsible for the social media post against Laurel Libby, it spent \$39.83 on that post, and the committee did not discuss the ad with Daniel Campbell or his campaign. The Commission staff's preliminary investigation suggests:

- 1) the committee was not required to file an independent expenditure report concerning the ad because it did not spend more than \$250 on the posting,
- 2) Mr. Titcomb has not put forward any evidence to suggest that the committee made a contribution to Daniel Campbell by coordinating with him,
- 3) the ad *does* state the name of the committee that paid for the ad,
- 4) the posting did not include a statement that the ad was "not paid for or authorized by any candidate" and did not include the committee's address, as required by 21-A M.R.S. § 1014(2). It appears feasible to insert this information in the white area directly above the video.

At present, it is unclear whether any member of the Auburn Democratic City Campbell will be available to participate in the Commission's October 30 meeting. If the Commission is comfortable taking up this item under the heading of Other Business, Commission staff

recommends finding that the ad violated 21-A M.R.S. § 1014(2) by not including the committee's address and the "not paid for or authorized by any candidate" message. We recommend assessing no penalty because the ad does not conceal the spender and the violation was unintentional.

Mr. Wayne,

October 29th, 2024

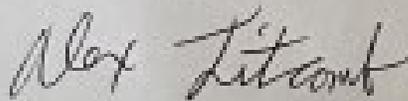
I am writing to file an official complaint against 'Auburn City Democrats' and ask for an investigation to see if they have upheld the legal campaign finance disclosure (IE "paid for by... not authorized or paid for by any candidate") for their recent advertisements against Rep. Libby and for Democrat candidate Dan Campbell.

Another question would be if these advertisements required an independent expenditure report to be filed.

Attached are screen shots of two Facebook video posts as well as meta ad library showing that these two ads are currently being boosted.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alex Titcomb". The signature is written in dark ink and is positioned above the typed name.

Alex Titcomb

All All ads Auburn City Democrats

X

Saved searches

Keyword



Filters

Save search

Active status: Active ads X

Launched October 2024

Active

Library ID: 1643394996188654

Started running on Oct 28, 2024

Platforms

Categories

Estimated audience size: 1K - 5K

Amount spent (USD): < \$100

Impressions: 1K - 2K

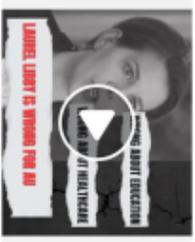
See ad details

Auburn City Democrats

Sponsored - Paid for by Auburn Democratic City Committee

Auburn, Maine and House District 30 deserve compassionate leadership, not constant controversy.

Vote Coach Dan Campbell on November 5th.



Active

Library ID: 393460086665864

Started running on Oct 28, 2024

Platforms

Categories

Estimated audience size: 10K - 50K

Amount spent (USD): < \$100

Impressions: 2K - 3K

See ad details

Auburn City Democrats

Sponsored - Paid for by Auburn Democratic City Committee

Auburn, Maine and House District 30 deserve rational representation, not radicalization.

Vote Coach Dan Campbell on November 5th.



System status



Auburn City Democrats • [Follow](#)



14h ·

Auburn, Maine and House District 90 deserve rational representation, not radicalization.

Vote Coach Dan Campbell on November 5th.



5

3 shares 2.2K plays

Like

Comment

Send

Share



Auburn City Democrats



14h · 🌐

Auburn, Maine and House District 90 deserve compassionate leadership, not constant controversy.

Vote Coach Dan Campbell on November 5th.



👍🤔 2

1 share 1K plays

👍 Like

💬 Comment

📧 Send

➦ Share

From: Mike Polk <michaelseepolk@gmail.com>

Sent: Tuesday, October 29, 2024 5:34 PM

To: Wayne, Jonathan <Jonathan.Wayne@maine.gov>

Cc: Fred Brodeur <fredsnonviolencework@myfairpoint.net>; Robert Cavanagh <railtrailbiker@gmail.com>

Subject: Re: Facebook Ads Opposing Laurel Libby for House

Mr. Wayne,

Thank you for reaching out in regards to this matter. I'm responding on behalf of the Auburn Democratic City Committee, and my fellow executive officers are copied to this email.

1) The Auburn Democratic City Committee is solely responsible for the content of the social media posts made under our public page on Meta Platforms. We are not affiliated with any candidate or campaign and participation is open to any registered Democrat in Auburn, Maine. We have voted as a committee to 'boost' specific posts on Meta Platforms, in advance of the upcoming election, using treasury funds we have raised via our members. Please see the attached photos and documents as it relates to our executive committee and our meeting minutes on October 10th when the decision to 'boost' the post referenced in your complaint was discussed.

2) Our social media post opposing the candidacy of Laurel Libby for State Rep is scheduled to 'boost' from Oct 28th through Oct 31st, and has currently cost our committee a sum of \$39.83, with a set budget not to increase above a total of \$100.

3) At NO point in time were the contents of this post, the timing of its 'boosting', or the amount to be spent discussed with any candidate for office, or member of any candidate's campaign, including Dan Campbell. Auburn has multiple candidates for office running on the Democratic ticket who are running as Clean Election Candidates and every effort is made to make certain there is no coordination between their campaigns, and our committee as it relates to the use of our treasury funds.

I have documentation attached for your consideration. Meta Platforms takes page transparency very seriously, and all efforts will be made to provide the Maine Ethics Commission with the information they request.

Sincerely,

Michael Polk

Vice Chair/Secretary

AUBURN
— DEMS

4:38



< Ads

Advertise

Recent ad activity

 OCT 28 • **Active** ThruPlays 251
Video views
Boosted Facebook post Spent ⓘ **\$18.42**

[Boost again](#) [View results](#) [...](#)

 OCT 28 • **Active** ThruPlays 666
Video views
Boosted Facebook post Spent ⓘ **\$21.31**

[Boost again](#) [View results](#) [...](#)

 OCT 21 • **Completed** ThruPlays 2961
Video views
Boosted Facebook reel Spent ⓘ **\$100.00**

[Boost again](#) [View results](#) [...](#)

 OCT 15 • **Completed** Link clicks 162
Link clicks
Boosted Facebook reel Spent ⓘ **\$99.99**

[Boost again](#) [View results](#) [...](#)

[See all ads](#)

 Business Info

Results From This Ad (i)

People reached

2,204

ThruPlays

666

[View Detailed Results](#)

Details



Active

Status



Get more video views

Goal



\$21.36 / \$50.00

Amount Spent (i)



3 days

Duration



Oct 28, 2024 7:23am

Start date



Oct 31, 2024 7:23am

End date

Results From This Ad (i)

People reached

891

ThruPlays

251

[View Detailed Results](#)

Details



Active

Status



Get more video views

Goal



\$18.47 / \$50.00

Amount Spent (i)



3 days

Duration



Oct 28, 2024 12:12pm

Start date



Oct 31, 2024 12:12pm

End date

Ad preview



Auburn City Democrats



Sponsored · Paid for by Auburn Democratic City Committee ·

Auburn, Maine and House District 90 deserve compassionate leadership, not constant controversy.

Vote Coach Dan Campbell on November 5th.



3 comments 1 share 2.1K plays





Auburn City Democrats

169 followers • 56 following

Information about Maine's Auburn City Democratic Committee and its activities and goals. "Diversity of opinion...unity of purpose."

Chair: Fred Brodeur
Vice Chair: Mike Polk
Secretary: Mike Polk
Treasurer: Robert Cavanagh

Following ▾

Message



Admin quick access

You can promote or boost a post while using your main profile. To see more, switch to [Auburn City Democrats](#).



Advertise

Make an ad using text, photos or videos to promote your business.



Drive people to your Page

Build trust in your brand, products and services by increasing traffic to Auburn City Democrats.



Posts

About

Videos

Photos

More ▾

Details



Page · Political Organization

Auburn Democratic City Committee is responsible for this Page.



Home



Friends



Marketplace



Dating



Notifications



Menu

Minutes of Auburn Democrats Meeting on October 10th, 2024

The meeting was called to order at 6:34pm

Attendance: Michael Polk, Bob Cavanaugh, Bonnie Hayes, Pat Gautier, Lynn Kovitch, Fred Brodeur, Miles Smith, Cindy Elias, Peter Elias, Jaye Rich, John Cleveland, Adam Lee

Minutes of the September 9th 2024 meeting was accepted.

Treasurer's Report from 10/9/24 was accepted.

New Business

Cindy notes that early voting has started at City Hall, now through Oct 31. Absentee ballots due 8pm on election day.

Cindy notes GOTV Auburn office will be at Cindy and Peter's house Nov. 2-5 9am, 12pm, 3pm & 6pm Shifts

Bettyann Sheats has knocked over 8,000 doors. Emphasis on doors. Negative ads incoming.

John Cleveland notes Dan Campbell has knocked over 2000 doors. Digital Ads are live. Signing up new voters. Notes 2400 Auburn residents have already voted. Expecting 6000+ absentee and over 12,000 total votes.

John Cleveland offers to have night of election party. Budget of apps \$750. 8pm-11pm.

How to help our Auburn Candidates -

-INTERMISSION TO DISCUSS OCTOBER AD SPENDING-

Attendance: Michael Polk, Lynn Kovitch, Bob Cavanaugh, Fred Brodeur, Bonnie Hayes, Pat Gautier, Miles Smith, Jaye Rich

Mike notes Sept. digital ad spending reaching an average of 7.5k devices per post. Some challenge with demographic. Possible solutions: increased targeting, variety of content.

Mike notes significantly increased quantity of engagement and retention with greater localization. Same dollar amounts but smaller radius.

Discussion on possibility of running an ad in opposition to specific candidates.

Mike presents 3 drafts of potential ads in opposition to Laurel Libby. Unanimous vote to run ad number 3 with revisions.

Next Meetings:

Executive Committee meeting: Monday, November 3rd, 2024, 4pm, 89
Main St

City Committee meeting, Thursday, November 14th, 2024, 6:30 pm, Auburn
Senior Community Center

The meeting adjourned at 7:55pm.

Respectfully submitted, Michael Polk, Secretary

Title 21-A M.R.S.
Chapter 13: Campaign Finance Reports and Finances

Subchapter I
General Provisions

§ 1014. Publication or distribution of political communications

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. A communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the communication. If a communication that is financed by someone other than the candidate or the candidate's authorized committee is broadcast by radio, only the city and state of the address of the person who financed the communication must be stated.

2. Not authorized by candidate. If the communication described in subsection 1 is not authorized by a candidate, a candidate's authorized political committee or their agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the expenditure for the communication, except that a communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. If the communication is in written form, the communication must contain at the bottom of the communication in print that is no smaller in size than 12-point bold print, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

2-A. Other communications. Whenever a person makes an expenditure to finance a communication that names or depicts a clearly identified candidate and that is disseminated during the 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the election day for a general election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate, except that a

communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

2–B. Top 3 funders; independent expenditures. A communication that is funded by an entity making an independent expenditure as defined in section 1019-B, subsection 1 must conspicuously include the following statement:

“The top 3 funders of (name of entity that made the independent expenditure) are (names of top 3 funders).”

The information required by this subsection may appear simultaneously with any statement required by subsection 2 or 2-A. A communication that contains a visual aspect must include the statement in written text. A communication that does not contain a visual aspect must include an audible statement. This statement is required only for communications made through broadcast or cable television, broadcast radio, Internet audio and video programming, direct mail or newspaper or other periodical publications.

A cable television, broadcast television or Internet video communication must include both an audible and a written statement. For a cable television, broadcast television or Internet video communication 30 seconds or less in duration, the audible statement may be modified to include only the single top funder.

The top funders named in the required statement consist of the funders providing the highest dollar amount of funding to the entity making the independent expenditure since the day following the most recent general election day.

A. For purposes of this subsection, “funder” includes:

(1). Any entity that has made a contribution as defined in section 1052, subsection 3 to the entity making the independent expenditure since the day following the most recent general election day; and

(2) Any entity that has given a gift, subscription, loan, advance or deposit of money or anything of value, including a promise or agreement to provide money or anything of value whether or not legally enforceable, except for transactions in which a fair value is given in return, since the day following the most recent general election day.

B. If funders have given equal amounts, creating a tie in the ranking of the top 3 funders, the tie must be broken by naming the tying funders in chronological order of the receipt of funding until 3 funders are included in the statement. If the chronological order cannot be discerned, the entity making the independent expenditure may choose which of the tying funders to include in the statement. In

no case may a communication be required to include the names of more than 3 funders.

C. The statement required under this subsection is not required to include the name of any funder who has provided less than \$1,000 to the entity making the independent expenditure since the day following the most recent general election day.

D. If only one or 2 funders must be included pursuant to this subsection, the communication must identify the number of funders as “top funder” or “top 2 funders” as appropriate. If there are no funders required to be included under this subsection, no statement is required.

E. When compiling the list of top funders, an entity making an independent expenditure may disregard any funds that the entity can show were used for purposes unrelated to the candidate mentioned in the communication on the basis that funds were either spent in the order received or were strictly segregated in other accounts.

F. In any communication consisting of an audio broadcast of 30 seconds or less or a print communication of 20 square inches or less, the requirements of this subsection are satisfied by including the name of the single highest funder only.

G. If the list of funders changes during the period in which a recurring communication is aired or published, the statement appearing in the communication must be updated at the time that any additional payments are made for that communication.

H. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this subsection. Rules adopted pursuant to this paragraph must ensure that the information required by this subsection is effectively conveyed for a sufficient duration and in a sufficient font size or screen size where applicable without undue burden on the ability of the entity to make the communication. The rules must also provide an exemption for types of communications for which the required statement would be impossible or impose an unusual hardship due to the unique format or medium of the communication.

3. Broadcasting prohibited without disclosure. No person operating a broadcasting station or cable television system within this State may broadcast any communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of the disclosure required by this section.

3-A. In-kind contributions of printed materials. A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any

contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a ballot question. Any in-kind contributions of printed materials used or distributed by a candidate, political committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

3-B. Newspapers. A newspaper may not publish a communication described in subsections 1 to 2-A without including the disclosure required by this section. For purposes of this subsection, “newspaper” includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not the communication requires the disclosure.

4. Enforcement. A violation of this section may result in a civil penalty of no more than 100% of the amount of the expenditure in violation, except that an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it. If the person who financed the communication or who committed the violation corrects the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the communication, the commission may decide to assess no civil penalty.

5. Telephone calls. Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the general election day for a general election must clearly state the name of the person who made or financed the expenditure for the communication and whether the communication was authorized by a candidate, except for prerecorded automated telephone calls paid for by the candidate that use the candidate’s voice in the telephone call and that are made in support of that candidate. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients are not required to include the disclosure.

5-A. Text messages. Text messages sent with the assistance of mass distribution technology that is paid for by a person must clearly and conspicuously state the name of the person who made or financed the expenditure if:

- A. The text message expressly advocates the election or defeat of a candidate; or

B. The text message contains a link to a website that expressly advocates the election or defeat of a candidate.

6. Exclusions. The requirements of this section do not apply to:

A. Handbills or other literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

B. Campaign signs produced and distributed at a cost not exceeding \$100, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

C. Internet and e-mail activities costing less than \$100, as excluded by rule of the commission, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

D. Communications in which the name or address of the person who made or authorized the expenditure for the communication would be so small as to be illegible or infeasible, including communications on items such as ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section and in electronic media advertisements where compliance with this section would be impractical due to size or character limitations; and

E. Campaign signs that are financed by the candidate or candidate's authorized committee and that clearly identify the name of the candidate and are lettered or printed individually by hand.