



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

To: Commissioners
From: Heidi Hoefler, Political Committee and Lobbyist Registrar
Date: October 22, 2024
Re: Complaint – Campaign Signs without Legally Required Disclosures (Saviello/Ducharme)

BACKGROUND

On September 26, 2024, Tom Saviello contacted Commission staff (“staff”) via e-mail concerning posted signs opposing Mr. Saviello which did not appear to include the disclosures required by 21-A M.R.S. § 1014. He is a candidate for County Commissioner in Franklin County, District 1. Mr. Saviello included the attached pictures of the “SAY NO! to Saviello” signs (the “Saviello” signs) in the e-mail and asked how to file a complaint about the lack of required disclosures. After receiving the requested information from us, Mr. Saviello filed the attached complaint on September 27, 2024 (the “Complaint”). Later that day, Mr. Saviello e-mailed a picture and reported that signs clearly identifying candidate Stephan Bunker (the “Bunker” signs”) were posted without any disclosures. Mr. Bunker is running for State Representative, District 71. Following are: (i) the facts in this matter based on e-mail correspondence between the staff, Mr. Saviello, and Mr. Ducharme; (ii) the legal requirements for disclosure that these campaign signs violated and the related enforcement provision; and (iii) the staff’s recommendation regarding potential penalties for the two violations.

I. FACTS

After a review of the Complaint and photographs of the Saviello and Bunker signs submitted by Mr. Saviello on September 27th, staff reached out to Jake Ducharme later that day via e-mail since one of the signs opposing Mr. Saviello was allegedly on Mr. Ducharme’s property. In that e-mail, we let Mr. Ducharme know about the Complaint we received regarding the signs opposing Mr. Saviello which did not include the required disclosure about who paid for the signs or whether such signs were authorized by any candidate. We asked Mr. Ducharme to

please let us know who posted the signs so we could reach out to that individual and give that individual an opportunity to correct the disclosure violations.

Mr. Ducharme promptly responded to staff's e-mail to him. In his e-mail response, Mr. Ducharme let us know (i) he bought the signs with his own money, (ii) he was not aware that he was required to include disclosures, (iii) his proposed language for the required disclosures, and (iv) he would immediately make the corrections if the disclosure language he proposed was acceptable. Mr. Ducharme asked whether the disclosures were required on all such signs, regardless of whether posted on private or public property.

In our September 27th response to Mr. Ducharme, we informed him that disclosures are required regardless of where the signs are posted. We provided options for the wording of the disclosures, which depended on whether a candidate authorized the signs. We also asked Mr. Ducharme about the signs opposing Stephan Bunker since applicable law requires disclosures on those signs as well. In addition, we asked Mr. Ducharme to provide confirmation that he corrected the disclosure violation by e-mailing pictures of the corrected signs to us.

After close of business on Friday, September 27th, Mr. Ducharme sent to staff an e-mail to which he attached pictures of the Saviello and Bunker signs which now included the disclosures. In that e-mail, Mr. Ducharme requested a link to the rules for political signage since he had not found the applicable law. On Saturday morning, September 28th, Mr. Saviello sent an e-mail to inform us that it appeared some of the signs were now labeled with Jake Ducharme as the owner and party responsible for the signs. On Sunday, September 29th, Mr. Ducharme let us know that he took another look at the corrections he made on Friday, September 27th. Based on that review, he made one additional change to the disclosures which he photographed and sent to us. He reported that he put the revised disclosures on the signs on Saturday morning, September 28th.

On Monday, September 30th, we let Mr. Saviello know that when we reached out to Mr. Ducharme on the previous Friday, he promptly acknowledged that he bought the signs and that he agreed to correct the missing disclosure.

On Tuesday, October 1st, staff e-mailed Mr. Ducharme to let him know we received his e-mail and the photos confirming that he corrected the disclosure violations on the Saviello and Bunker signs. In that e-mail, we asked Mr. Ducharme to provide us with the dates, amounts, and payees for the purchases of signs concerning Tom Saviello and Stephan Bunker and whether any candidate authorized him to purchase the signs. In addition, we attached a copy of the Complaint and pictures sent to us by Mr. Saviello.

On Wednesday, October 2nd, Mr. Ducharme responded via e-mail to which he attached a copy of the order he placed with “Signs on the Cheap” for 20 Saviello signs and 20 Bunker signs. The total cost for the 40 signs with tax and shipping came to \$228.49. In his e-mail response, Mr. Ducharme stated that as shown on the receipt, he paid for the signs. He confirmed that no candidate authorized the signs and that he had not been reimbursed for the expenditure by the county GOP. He further stated that none of the signs had been stored, passed out, or used in any Franklin County Republican situations. He once again let us know that “the absence of [the disclosures] was out of ignorance and when [he] found out that corrections needed to be made, [he] immediately moved to make those corrections in order to comply with the rules.”

On Friday, October 4th, we informed Mr. Saviello that “Once we contacted Mr. Ducharme, he promptly added the disclosure statements to the signs that were already posted. He said he purchased the signs on his own without consulting any candidate and didn’t know they needed to include the information about who paid for them. He provided us with a receipt for the signs. He bought a small number and the cost was low enough that he did not have to file any campaign finance reports with us.”

On Monday, October 7th, in response to Mr. Ducharme’s specific questions, staff e-mailed to Mr. Ducharme our view regarding the violations and the applicable statutory sections with the legal requirements for disclosures on the Saviello and Bunker signs.

On Wednesday, October 9th, Mr. Saviello e-mailed the staff to let us know that although he considered withdrawing the Complaint due to Mr. Ducharme’s immediately taking action to correct the Saviello and Bunker signs after being notified by staff of the disclosure violations, Mr. Saviello planned to move forward with the Complaint due to two Saviello signs without disclosure photographed that day (see attached). Mr. Saviello let us know that in his opinion, signs without disclosure at this time indicated Mr. Ducharme was ignoring applicable law.

After reviewing the information submitted by Mr. Saviello, we reached out to Mr. Ducharme later that day to send him the pictures of the signs and to ask him (i) when he posted those signs, (ii) to correct the disclosure violations as soon as possible, and (iii) to e-mail to us pictures of the corrected signs to confirm the legally required disclosures were now on each sign.

On the morning of October 10th, Mr. Ducharme informed us that currently he had only three signs posted, each of which now included the required disclosures based on our previous notification to him. He further informed us that the three signs he originally posted were taken before he could make the corrections so were not in his custody. He stated that as soon as we provided the address for each of the signs in the pictures, he would add the required disclosures. At our request, Mr. Saviello provided the address for each of the two signs, which we then

provided to Mr. Ducharme. On the morning of October 11th, Mr. Ducharme e-mailed pictures to confirm that he added the required disclosures to each of the signs.

II. APPLICABLE LAW – REQUIREMENTS AND ENFORCEMENT

The legal requirements applicable to the campaign signs at issue and the related enforcement provisions are set forth in 21-A M.R.S. § 1014(2), (2-A), and (4) (excerpts below and full text attached).

Communications Containing Express Advocacy

The disclosure requirements for communications that expressly advocate for the election or defeat of a candidate and are not authorized by any candidate are set forth in 21-A M.R.S. § 1014(2), which states that such communications “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”. For communications, such as signs, in written form, this subsection further requires that the communication “[include] at the bottom of the communication...the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE.".

Other Communications Disseminated After Labor Day

The disclosure requirements for communications that name a clearly identified candidate are set forth in 21-A M.R.S. § 1014(2-A), which states that when such communications are “disseminated...during the period of time from Labor Day to the election day for a general election...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...”.

Enforcement of 21-A M.R.S. § 1014(2) and (2-A)

The statutory section on the enforcement of 21-A M.R.S. § 1014(2) and (2-A) is set forth in 21-A M.R.S. § 1014(4) (the “enforcement provision”) which states, “an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200.” This subsection further states that when determining a civil penalty, “the [C]ommission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional...and whether the communication conceals or misrepresents the identity of the person who financed it.” The applicable enforcement subsection also gives to the Commission the discretion to not assess a civil penalty, “[i]f 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 [C]ommission by adding the missing information to the communication”

III. STAFF RECOMMENDATION

First recommended finding of violation. As shown in the pictures of the Saviello signs attached to the Complaint, and as acknowledged by Mr. Ducharme, the signs which expressly advocated against Saviello’s election did not when first posted include any disclosure as to whether the communication was authorized by any candidate or the name of the person who purchased the signs. Since those signs did not initially include the required disclosure, staff recommends finding the Saviello signs violated the disclosure requirements of 21-A M.R.S. § 1014(2).

Second recommended finding of violation. As shown in the pictures of the Stephan Bunker signs provided by Mr. Saviello, and as acknowledged by Mr. Ducharme, the signs clearly identifying Mr. Bunker were posted after Labor Day and did not when first posted include the required disclosure of who paid for them and whether any candidate authorized them. Since those signs did not initially include the required disclosure, staff recommends finding the Bunker signs violated the disclosure requirements of 21-A M.R.S. § 1014(2-A).

Potential civil penalties. When considering whether to assess a civil penalty, the enforcement provision in § 1014 states that the Commissioners must take into account how widely the communication was disseminated and whether the violation was intentional. As set forth in section I, it appears the total number of signs posted is five. According to Mr. Ducharme, he was not aware of the disclosure requirements and after his search for the applicable law did not yield any results, he specifically asked us to provide links to the applicable disclosure requirements in the statutes, which we sent on October 7th.

Other factors the Commissioners may want to consider are the small cost of producing the signs (less than \$230), the small quantity of signs printed (20 each for Saviello and Bunker), and the level of public harm which may be minimal given that disclosure violations were promptly cured (same day or next day) after staff notified Mr. Ducharme of the violations.

The enforcement statute also states that the maximum penalty for campaign signs is \$200 per violation which in this case would be two violations; however, the enforcement statute also includes a provision allowing the Commissioners to not assess a penalty if the violation was promptly corrected, which is the case in this matter.

Staff recommends that the Commission decide whether to assess a monetary penalty after considering additional information from Mr. Ducharme at the meeting and the additional

information provided in the letter from Mr. Saviello (see section IV below). We would note that as stated in his e-mails to us and in his letter to you, Mr. Saviello would like to for the Commission to assess a monetary penalty for these violations.

IV. ADDITIONAL INFORMATION

Since Mr. Saviello cannot attend the Commission meeting on October 30, 2024, he submitted written comments he would like for the Commission to consider. See attached letter from Mr. Saviello to the Commission dated October 18, 2024.

**Jonathan Wayne
Heidi Hoefler
Maine Ethics Commission
Political Committee & Lobbyist Registrar
Maine Ethics Commission**

Mr. Wayne and Ms. Hoefler.

On September 26th. I sent you a picture of a political sign saying, "Just say no to Saviello". As you know I am a candidate for Franklin County Commissioner, District 1. This sign, also posted in 4 other locations, does not have any disclosures identifying who paid for and authorized it. The public posting of these signs appears to be a direct violation of Maine's campaign finance legal requirements.

One of the signs is on Mr. Jake Ducharme's property. He lives in Washington Plantation. He is also the chair of the Franklin County Republicans. I suspect he might have some idea who posted this sign on his property. He could lead you to those posting them in the public right of way. (Rumors suggest he may be directly involved.)

I would appreciate action concerning this matter by of the Ethic Commission.

Thank You,



Thomas Saviello



ETH-8

Say NO!
to

Saviello

October 30, 2024 Commission Meeting

T Saviello Complaint re: Campaign Signs

Picture of Bunker Sign without Disclosures – September 27th



October 30, 2024 Commission Meeting

T Saviello Complaint re: Campaign Signs

Pictures of Signs with Correct Disclosures – September 27th

Republican? Democrat? Uni-Party!

Advertisement of the party by the American Political Science Association, 1994

1985 Waddick was MIT. 01394

... to

Saviello

1385 Wilder Rd California

not for sale by the seller (Seller's Name) - 2000 - 714-2-10



Authorized and paid for by Jake Ducharme (Private citizen) 9-26-24 / 11-16-24

1285 weld rd wash, pff way

OTIS

October 30, 2024 Commission Meeting

T Saviello Complaint re: Campaign Signs

Pictures of Sign with Revised Disclosures – September 28th



October 30, 2024 Commission Meeting

T Saviello Complaint re: Campaign Signs

Pictures of Signs without Disclosures – October 9th





October 30, 2024 Commission Meeting

T Saviello Complaint re: Campaign Signs

Pictures of Signs with Disclosures – October 11th

MORGAN
GOVERNOR COMMISSIONER

RUSSELL
BLACK
MAINE SENATE

Say NO!
to
Saviello

Saville
Say NO!
to
ION FPS

ION FPS

From the Desk of
Thomas Saviello

October 18th, 2024

Ethic Commissioners
Maine Ethic Commission
45 Memorial Cir, Augusta, ME 04330

Dear Commissioners,

First let me thank you for your work. At the October 30th Commission meeting you will be taking up my complaint against Mr. Jake Ducharme regarding his lack of proper disclosure on his political signs. Unfortunately, I will be travelling to be with my granddaughters in North Carolina. Thus, I cannot attend the meeting. This trip was planned for months. I do not want you to think my complaint did not merit my participation.

I do want to point out a few additional bits of information to assist in your deliberations.

I believe when contacted by Ms. Hofler Mr. Ducharme took responsibility for purchasing and placing the signs. Yes, he did add the proper disclosure to most of the signs in question within the grace period allowed by the statute. At that point I was given serious consideration to dropping the complaint. Unfortunately, his continued behavior merits a continuation of the complaint.

Let me provide my recollection of the timeline.

On September 27, 2024, I found signs that said "Say no to Saviello". There was no disclosure on any of these signs. I made my initial complaint to Jonathan Wayne. Mr. Wayne asked me to formalize the complaint. I did. At the time I did not know Mr. Ducharme had bought and distributed the signs.

On September 30th Mr. Wayne sent me this email.

Tom,

When Heidi reached out to Mr. Ducharme Friday, he promptly acknowledged that he bought the signs and agreed to correct the missing disclosure. That is one of our standard approaches to mitigate the problem. We hope he will be cooperative in sharing with us his financial activity and then we will assess the overall compliance of the situation. We should be able to provide you an update on how we are handling your complaint in 2-3 days. Thank you.

Jonathan

I can concur that the signs I saw at the time were labeled as required by law. Except one, which I recollect, was removed at the time.

On October 9, 2024, I notified Ms. Hoefler there were again at least 2 signs that did not have the required disclosure. One was the sign that was in the original complaint (as I said it was removed at the time of the original complaint). The other sign was new. I have sent pictures to the Commission of both signs.

Again, when notified by Ms. Hoefler, Mr. Ducharme did respond by attaching the proper required disclosure.

I am now asking the Commissioners to penalize M. Ducharme. Here are my reasons.

1. Mr. Ducharme ignored the law at least twice. He should know better as he is the Chair of the Franklin County Republicans.
2. He missed the grace period for labeling the signs properly.
3. He blatantly broke the law again.

Mr. Ducharme knew what he was doing and got caught.

Let me be clear. I am NOT complaining about the negativity conveyed by his signs. That is his constitutional right to freedom of speech. My complaint is about him not following the law twice.

As you deliberate, please consider this letter to Daily Bulldog, a Farmington online news source, written by Mr. Ducharme on September 26, 2024.

Letter to the Editor: Our neighbors are not our enemies

This year I worked the Republican booth at the at the Farmington Fair. We were handing out Trump signs faster than we expected. One thing that I noticed was the large number of seniors that wanted a sign but were fearful of displaying them in their yards. It seems the fear of retribution for displaying a sign that one's neighbors do not agree with is a larger issue then most think.

What kind of Country have we become? What is happening to our State? Have we become so polarized that we have to live in fear of each other? Our neighbors are NOT our enemies.

I have to say that, as a vet. This is not what I served for. I served to protect the rights of ALL citizens.

On a positive note, regardless of party affiliation, the veteran community was friendly and unafraid to be kind, even to those that disagreed with their policy.

Together, we win. God Bless America.

***Jake Ducharme
Washington Plt.***

Mr. Ducharme clearly ignores his own advice and not following the law.

Again, I appreciate your time.

Thomas Saviello (please consider this as my signature)

**Memo to Commissioners re: T Saviello Complaint re: Campaign Signs –
Text of Legal Authority Cited in Memo in order Referenced
October 30, 2024 Commission Meeting**

21-A M.R.S. § 1014. Publication or distribution of political communications

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.

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.