

February 23, 2026

Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Re: Response to February 18, 2026 Memorandum of Assistant Attorney General Jonathan R. Bolton

Dear Commissioners and Staff:

I respectfully submit this response to the February 18, 2026 memorandum of Assistant Attorney General Jonathan Bolton addressing whether a party committee that exceeds the statutory threshold must register as a ballot question committee (“BQC”) under 21-A M.R.S. § 1052(2-A).

The memorandum concludes that party committees are categorically exempt from BQC registration requirements. That conclusion cannot be reconciled with the statutory text. It is reached only by subordinating clear language to structural preference and policy judgment. In doing so, the memorandum departs from Maine’s established rules of statutory interpretation and effectively inserts an exemption that the Legislature did not enact.

The statute says what it says. The memorandum declines to apply it.

I. The Plain Language of § 1052(2-A)

Section 1052(2-A) defines a ballot question committee as:

“a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate.”

“Person” is defined in § 1001(3) to include “an individual, committee, firm, partnership, corporation, association or organization.”

A party committee is a committee. The memorandum concedes there is no viable argument that party committees fall outside the definition of “person” as a general matter.

That concession should resolve the question.

The BQC statute lists two express exclusions: political action committees and exempt donors. Party committees are not excluded.

Under Maine law, when the Legislature enumerates specific exceptions, courts presume the list is exclusive. *Arsenault v. Sec’y of State*, 2006 ME 111, ¶ 17, 905 A.2d 285. The Legislature has

demonstrated elsewhere in Title 21-A that it knows how to exempt party committees when it intends to do so. It did not do so here.

Statutory interpretation begins with plain meaning, and where the language is clear, it governs. *State v. Santerre*, 2023 ME 63, ¶ 8, 301 A.3d 1244; *Dickau v. Vt. Mut. Ins. Co.*, 2014 ME 158, ¶ 19, 107 A.3d 621.

The definition is clear. The threshold is clear. The exclusions are clear.

II. “Context” Does Not Authorize Rewriting the Definition

The memorandum relies on the clause in § 1001 stating that definitions apply “unless the context otherwise indicates,” arguing that § 1017-A’s party reporting regime supplies contextual evidence that party committees were not intended to fall within § 1052(2-A).

Context may clarify ambiguity. It cannot nullify explicit language.

The Law Court instructs that statutes must be construed as a harmonious whole. *Mallinckrodt U.S. LLC v. Dep’t of Env’t Prot.*, 2014 ME 52, ¶ 21, 90 A.3d 428. Harmony does not permit displacement. Nor does it authorize reading into a statute an exemption that does not appear in the text.

There is no irreconcilable conflict between § 1017-A and § 1052(2-A). Repeals by implication are strongly disfavored and arise only where statutes cannot coexist. *City of Bangor v. Penobscot County*, 2005 ME 35, ¶ 11, 868 A.2d 177.

Section 1017-A governs general party committee reporting.

Section 1052(2-A) governs ballot-question-specific registration when a defined threshold is crossed.

They address different regulatory triggers. They are not mutually exclusive.

The memorandum resolves perceived structural tension not by harmonizing the provisions, but by removing party committees from § 1052(2-A) altogether.

That is not contextual interpretation. It is revision.

III. The Surplusage Problem

Maine courts consistently hold that no statutory language should be rendered meaningless if it can reasonably be given effect. *Waterman v. Wheeler*, 2025 ME 96, ¶ 4.

Under the memorandum’s interpretation, the \$5,000 threshold in § 1052(2-A) has no application to party committees, despite their explicit inclusion within “person.”

An entire class of committees is effectively removed from the statute's operation without textual basis.

That renders the threshold surplusage as applied to party committees — precisely the result Maine courts caution against.

Duplication is not absurdity. The absurdity doctrine is narrow. *Santerre*, 2023 ME 63, ¶ 9. Administrative inconvenience does not justify disregarding statutory triggers.

IV. The Reporting Differences Demonstrate That BQC Registration Is Substantive, Not Redundant

The memorandum acknowledges that BQC reporting requirements are “slightly more rigorous” than party committee reporting. Those differences are not incidental.

BQCs must itemize individual contributions over \$50. Party committees may aggregate contributions of \$200 or less. That is a materially different disclosure threshold.

The definitions of “contribution” and “expenditure” applicable to party committees contain more exceptions than those governing BQCs. The Legislature chose a narrower definitional framework for ballot question committees.

BQCs must file registration paperwork identifying the specific referendum they support or oppose. Party committees are not required to disclose ballot-question positions in their registration materials.

BQCs must report, for each expenditure, the name of the referendum supported or opposed. Party committees must report only the date, amount, and general purpose of each expenditure.

These are not cosmetic variations. They are ballot-specific transparency safeguards.

If party committees may exceed the \$5,000 threshold yet avoid BQC registration entirely, then these heightened disclosure requirements do not apply to the very entities capable of raising and spending the largest sums in referendum campaigns.

That result would not harmonize the statutes. It would eliminate the Legislature's ballot-specific transparency regime for a class of actors expressly included within the definition of “person.”

V. The Record Demonstrates the Transparency Function of Subchapter 4

Campaign finance statutes are disclosure statutes. Their central purpose is transparency.

At the January 28 Commission meeting, it was acknowledged that the party-only reporting structure did not clearly present ballot-specific spending to the public. It was conceded that the

reports “could be better” and did not readily allow a member of the public to determine how much was spent on Question 1.

The BQC framework exists precisely to provide referendum-specific clarity once spending exceeds a defined threshold.

Where ambiguity exists, interpretive principles favor advancing legislative purpose. *Dickau*, 2014 ME 158, ¶ 23.

The memorandum resolves perceived ambiguity in favor of narrowing the statute’s reach rather than advancing its transparency function.

VI. The Internal Tension in the Memorandum’s Three-Interpretation Framework

The memorandum identifies three possible interpretations:

1. Party committees must file both party and BQC reports once the threshold is met;
2. Party committees must form or register a BQC once the threshold is met;
3. Party committees are wholly exempt from the BQC statute.

Notably, both Interpretation #1 and Interpretation #2 give effect to the statutory definition of “person.” Only Interpretation #3 does not.

The memorandum rejects Interpretation #1 on duplication grounds. It rejects Interpretation #2 based on structural and policy concerns. It ultimately adopts Interpretation #3 — the only interpretation that removes party committees from the statute’s operative language entirely.

If party committees fall within “person” — and the memorandum concedes they do — then any interpretation that exempts them must rest on a clear textual basis. None exists.

If Interpretations #1 and #2 are textually plausible, then Interpretation #3 cannot be considered the best reading. It is the reading that departs most directly from the statute’s plain language.

VII. Equal Application of the Threshold

Section 1052(2-A) regulates activity — not institutional identity.

Under the memorandum’s interpretation:

- A grassroots citizen group spending \$5,001 must register as a BQC.
- A state political party spending over \$175,000 need not.

Nothing in the statutory language authorizes this asymmetry.

The statute applies to a “person.” The Commission’s role is to apply that definition consistently. *Santerre*, 2023 ME 63, ¶ 8.

Conclusion

Section 1052(2-A) applies to a “person.”

“Person” includes a “committee.”

The statute expressly excludes certain entities. Party committees are not among them.

The \$5,000 threshold is undisputedly exceeded in this matter.

The memorandum’s contrary conclusion depends on inferring an exemption not found in the statutory text. Maine law does not permit courts or agencies to create such exemptions through structural preference or policy judgment.

Accordingly, the proper application of § 1052(2-A) requires recognition that party committees fall within its scope when the statutory threshold is met.

For these reasons, the Commission should apply the statute as written.

Respectfully submitted,

Alex Titcomb

Additional Handout for Commissioners:

An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting

ON BALLOT

Question Number: 1
Election Date: 11/04/2025

Do you want to change Maine election laws to eliminate two days of absentee voting, prohibit requests for absentee ballots by phone or family members, end ongoing absentee voter status for seniors and people with disabilities, ban prepaid postage on absentee ballot return envelopes, limit the number of drop boxes, require voters to show certain photo ID before voting, and make other changes to our elections?

COMMITTEES		EXPENDITURES TO SUPPORT		EXPENDITURES TO OPPOSE	
Committee	Committee Type	Committee Status	Stance	Expenditures to Support	Expenditures to Oppose
MAINE CONSERVATION VOTERS ACTION FUND	Political Action Committee	Active	Support	\$10,000.00	\$0.00
MAINE PEOPLE'S ALLIANCE - BQC	Ballot Question Committee	Active	Oppose	\$0.00	\$11,443.12
Save Maine Absentee Voting	Ballot Question Committee	Active	Oppose	\$0.00	\$1,119,944.23
Common Sense for Maine	Political Action Committee	Active	Support	\$925.00	\$0.00
Voter ID for ME BQC	Ballot Question Committee	Terminated	Support	\$258,831.74	\$0.00
DGA Maine - BQC	Ballot Question Committee	Terminated	Oppose	\$0.00	\$234,899.10
DCCC Maine - BQC	Ballot Question Committee	Terminated	Oppose	\$0.00	\$84,899.09
GCSM BQC	Ballot Question Committee	Active	Oppose	\$0.00	\$2,063.11
Disabled Voters Oppose Voter ID	Ballot Question Committee	Terminated	Oppose	\$0.00	\$22,080.01
Food AND Medicine BQ Committee	Ballot Question Committee	Active	Oppose	\$0.00	\$8,977.59
Maine Youth Power BQC	Ballot Question Committee	Terminated	Oppose	\$0.00	\$0.00
Community Action Alliance Committee	Ballot Question Committee	Terminated	Oppose	\$0.00	\$10,140.22

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2025 An Act to Require an Individual to Present Photographic Identification for the Purpose of Voting

Top Spenders

1. Save Maine Absentee Voting	\$1,119,944.23
2. Voter ID for ME BQC	\$258,831.74
3. DGA Maine - BQC	\$234,899.10
4. DCCC Maine - BQC	\$84,899.09
5. Disabled Voters Oppose Voter ID	\$22,080.01

Total Contributions in 2025

\$15,107,006.55

Expenditures in 2025

Top Spending Committees in 2025

1. ACTBLUE MAINE	\$3,632,853.31
2. Save Maine Absentee Voting	\$1,534,903.48
3. MAINE DEMOCRATIC STATE COMMITTEE	\$966,263.12
4. Safeguard Girls Sports	\$790,100.00
5. Safe Schools, Safe Communities	\$658,472.58

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