



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 20, 2022
Re: Preliminary Staff Comments – Maine Families First PAC

On October 17, 2022, the Maine Ethics Commission received a request for investigation from Ms. Sara Salley and others alleging that the Maine Families First PAC failed to timely report contribution(s) to finance a \$999,245 independent expenditure to oppose Governor Janet T. Mills. Because the Commission is required to give this matter expedited consideration, the Commission staff wrote a letter to the PAC yesterday requesting a response and has scheduled this item for the Commission's October 26, 2022 meeting.

In the complaint, Ms. Salley noted that in its October quarterly report, the PAC indicated that it had received and spent a total of \$100,000, leaving it with a calculated cash balance of \$0. That report should have included totals for all reportable financial activity through September 30, 2022. In an earlier campaign finance report, the PAC had reported that the \$100,000 was received from Thomas Klingenstein.

In a subsequent independent expenditure (IE) report, the PAC reported making an October 5, 2022 expenditure of \$999,245 to FP1 Strategies for television advertising. According to Ms. Salley, that IE report was for a television advertisement critical of Governor Janet Mills on cost of living issues, which can be found at

<https://bigal.media/mediaplayer.php?q=vIZzaT0%3D85c406379028c750ca2a75d59b7dc11a>.

The ad contains a disclosure "the top funder of Maine Families First is Thomas Klingenstein."

Ms. Salley questions the plausibility that the PAC had received only \$100,000 in contributions by September 30 and could finance a \$999,245 expenditure five days later. Ms. Salley asserts

that the tight timeframe suggests that the PAC received a pledge of money from Mr. Klingenstein and then relied on that pledge to create the advertisement. She asks the Commission to investigate whether the PAC's reporting should have included additional contribution(s) from Mr. Klingenstein. Ms. Salley notes that the definition of a reportable "contribution" includes not just a payment of money to a PAC for the purpose of influencing a candidate election but also a "promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution to a [PAC]. 21-A M.R.S. §§ 1052(3)(A)&(B).

The Commission staff will do our best to provide additional comments or analysis in time for your consideration at the October 26 meeting. Thank you for your consideration of this item.

