



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: February 17, 2023  
Re: Request for Authorization to Investigate 2022 Campaign

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Agency staff seeks the Commission's authorization to investigate the campaign finances of a 2022 candidate who participated in the Maine Clean Election Act (MCEA) program. Following the 2022 election, the candidate notified the Commission staff that the campaign failed to report a small amount of seed money it received and four payments made from its bank account. Occasionally, candidates omit one or two transactions from campaign finance reports, which is regrettable but it happens with some regularity.

The candidate reported one other issue that is more serious. The candidate has told us: three of the unreported payments were fraudulent, the candidate has no idea how these electronic debits were made from the account, and the campaign did not use a debit card. Two of the payees are local. The details are contained in the attached bank statements and intra-agency investigative memo, which are confidential under 21-A M.R.S. §§ 1003(3-A)(A)&(D).

MCEA funds are required to be used only for campaign-related purposes. It is a matter of concern that someone caused these funds to be used for purposes unrelated to any political campaign. The Commission staff seeks your authorization to investigate the three charges. One of our goals is finding out how these electronic debits were made and who benefitted from them, if possible. Because of the reporting errors, we also ask the Commission's authorization to investigate the incomplete reporting and any other noncompliance issues arising out of the campaign. We have described the scope of the investigation to the candidate, who does not object.

We recommend discussing this at your February 28, 2023 meeting in executive session due to the preliminary stage of this matter. Title 1, § 405(6)(F) permits departments of the state to schedule for executive session discussion of information contained in records when access by the general public to those records is prohibited by statute. Alternatively, under the

Commission's investigations statute, 21-A M.R.S. § 1003(3-A), the Commission could publicly discuss the information in the confidential memo if the Commission believes that is the better course and the information is materially relevant to its decision whether to pursue an investigation.