



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

January 5, 2024

By Email and Inter-Office Mail

Hon. Michael Soboleski
2 State House Station
Augusta, Maine 04333

Dear Representative Soboleski:

Thank you for your January 1, 2024 letter concerning the ruling by Secretary of State Shenna Bellows that the nomination petition of Donald J. Trump was invalid. In the letter, you ask the Ethics Commission to review whether Secretary Bellows acted impartially when presiding over the hearing that led to the ruling. You also asked the Commission to investigate whether Secretary Bellows collaborated with Attorney General Aaron Frey to deny Mr. Trump ballot access.

The staff of the Ethics Commission reviews each complaint filed with our office to determine whether the complaint raises issues within our department's jurisdiction. After considering your complaint and conferring with counsel, the staff is returning the complaint to you because we believe it is outside the jurisdiction of the Commission.

Mr. Trump has appealed the Secretary's ruling to the Superior Court of Maine. *Trump v. Bellows*, AP-24-01 (Me. Super. Ct. Ken. Cnty. Jan. 2, 2024). Among other things, Mr. Trump argues that the Secretary's ruling was defective because she was biased. The issue of bias may be considered as part of that appeal.

Commission's Jurisdiction

The Commission's primary responsibility is serving as the campaign finance agency for the State of Maine. We regulate financial activity to influence state elections. 21-A M.R.S. §§ 1001-1128. We have no authority over any aspect of federal candidate elections. *Id.* § 1011. In addition, the Commission administers lobbyist disclosure requirements. 3 M.R.S. §§ 311-327. We also receive personal income statements from various state officials. 1 M.R.S. § 1016-G.

The Commission's only ethics jurisdiction (*e.g.*, misconduct or bias by officials) relates to legislators. 1 M.R.S. §§ 1013-1014. For example, we are authorized to investigate whether a legislator has acted in a conflict of interest or has abused their office to benefit themselves or another person. *Id.* § 1014(1) & (3). The Commission is not authorized by law to consider ethics complaints about other officials, such as the governor, constitutional officers, or county or municipal officials.

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Staff Determination on Your Complaint

In the opinion of the Commission staff, the complaint is outside our department's jurisdiction. The allegations that Secretary Bellows was biased and colluded with another official to deny Mr. Trump ballot access do not relate to the subject matter over which the Commission may initiate proceedings, such as legislative ethics, campaign finance reporting, or lobbyist disclosures. 94-270 Code of Maine Rules ch. 1, §§ 4(1), 4(2), & 4(3). The Commission's counsel agrees with this assessment.

Accordingly, pursuant to the Commission's rules, the staff is returning the complaint to you.¹ We will not be scheduling the complaint to be heard by the members of the Commission, but we will notify the Commission at its January 31, 2024 meeting that the staff returned the complaint to you.

By returning the complaint to you, the Commission staff is not dismissing your concerns about the Secretary's bias. The issue is simply not one that our department is authorized by law to consider.

If you have any questions about this response, please email me at Jonathan.Wayne@maine.gov. Thank you.

Sincerely,



Jonathan Wayne
Executive Director

cc: *By Email*

Hon. Shenna Bellows, Secretary of State

Hon. William J. Schneider, Commission Chair

¹ Chapter 1, § 4(4) of the Commission's rules provides: "If the Director and Counsel are in agreement that the subject matter of a request for an investigation is clearly outside the jurisdiction of the Commission, the staff may forward the request to the appropriate authority or return it to the person who made the request, provided that the staff notifies the Commission members of the action at the next Commission meeting." 94-270 C.M.R. ch. 1, § 4(4).



HOUSE OF REPRESENTATIVES

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Received

JAN 02 2024

Maine Ethics Commission

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Phillips, ME 04966
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Michael.soboleski@legislature.maine.gov

January 1st, 2024

Executive Director Wayne,

I am writing with great concern regarding the hearing that barred Donald J. Trump from Maine's Republican Party Primary ballot for the 2024 election. The hearing was administered under the Administrative Procedures Act with Secretary of State Shenna Bellows acting as the Presiding Officer. Maine state statutes require, that (*under Title 5: ADMINISTRATIVE PROCEDURES AND SERVICES - Part 18: ADMINISTRATIVE PROCEDURES - Chapter 375: MAINE ADMINISTRATIVE PROCEDURE ACT - Subchapter 4: ADJUDICATORY PROCEEDINGS §9063. Bias of presiding officer or agency member 1. Hearings; impartial*) hearings shall be conducted in an impartial manner.

In 2020 Secretary Shenna Bellows was an Elector in the Electoral College for President Joseph R. Biden and Vice President Kamala D. Harris. Due to this fact she cannot be considered, by any rational standard, an impartial arbiter of the hearing that she presided over. The hearing that ultimately, by her decree alone, barred Donald J. Trump from the 2024 Presidential election against the 2020 candidate for whom she was an Elector.

Secretary Bellows should have done the ethical thing and publicly stated that in 2020 she was an Elector for Joseph R. Biden and recused herself from this hearing. Instead, she remained Presiding Officer and unilaterally removed the 2020 Republican Presidential Candidate from the 2024 ballot. The 2020 Democratic candidate Joseph R. Biden, whom she was an Elector for in the Electoral College, will be a candidate on the 2024 Maine ballot. Due to the unilateral ruling in this hearing, under Biden Elector Shenna Bellows, Joseph R. Biden will not have to face his former and biggest opponent Donald J. Trump on the Maine Presidential ballot in November 2024.

What occurred appears to be election interference of the highest order. It would seem that Secretary Bellows did not act ethically and instead did what was best for her preferred candidate and the Democratic Party instead of the voters of the

state of Maine. She unilaterally disenfranchised at least 360,000 Maine voters who chose Donald J Trump in 2020 and wanted the opportunity to choose him again in 2024.

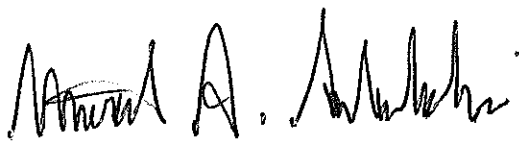
In a Newscenter Maine article by David Guildford published on September 1st 2023 it was reported that,

“Maine Secretary of State Shenna Bellows and Attorney General Aaron Frey announced this week they're analyzing whether former President Donald Trump is eligible”.

The question must be asked - Did every other Presidential candidate face the same scrutiny? All of them, including Donald J. Trump, have not been charged with Insurrection, Rebellion or any other charge that might disqualify them from ballot access per the 14th Amendment as the Secretary advocates. It appears that Attorney General Aaron Frey and Secretary of State Shenna Bellows, both appointed by legislative Democrats, colluded together to ‘show me the man, I’ll show you the crime’ with regard for former President Trump. Did they conspire to subvert his constitutional rights by barring him ballot access? This is not how healthy democracies run and these potentially conspiratorial actions must be evaluated by the Maine Ethics Commission. I would suggest that you contact the US Attorney’s office to see if there were any civil rights violations committed by the Attorney General Frey or Secretary Bellows. Additionally, contact the Federal Election Commission for compliance with election law.

Please consider this as a formal ethics complaint and I request a hearing in front of the Ethics Commission to present my case as soon as possible.

Respectfully,



Michael A. Soboleski
State Representative District 73

Newscenter Maine Article by David Guildford:

<https://www.newscentermaine.com/article/news/politics/maine-politics/theres-a-chance-trump-wont-be-listed-on-the-2024-ballot-in-maine/97-43f75de2-3f8c-464d-87d1-35f6ebf24956>