



Minutes of the May 8, 2024 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble; Sarah LeClaire, Esq. (by Zoom) and David Hastings, Esq. (by Zoom)

Staff: Jonathan Wayne, Executive Director and Jonathan R. Bolton, Assistant Attorney General
Commissioner Schneider convened the meeting at 9:00 a.m.

1. Determination on Maine Clean Election Act Funding – Scott Girardin

The Commission held a special meeting to hear an appeal by candidate Scott Girardin of a staff determination that he did not qualify for Maine Clean Election Act (MCEA) funding for the 2024 elections. During the hearing, Assistant Attorney General Jonathan R. Bolton served as legal counsel to the Commission. Assistant Attorney General Nancy Macirowski was present to advise Commission staff.

Commissioner Schneider described the procedures that would be used during the hearing. Mr. Wayne confirmed no one requested to intervene. He submitted a proposed administrative record. Mr. Girardin said he had no objection. Mr. Wayne confirmed that the staff also wished to include the Commission's 2024 MCEA guidebook in the record. Mr. Girardin did not object. The record proposed by the staff, including the guidebook, was accepted by the Commission.

Mr. Wayne introduced the subject matter of the hearing. He said Scott Girardin is a candidate for the Maine House of Representatives, District 92. To qualify for MCEA funding, he submitted qualifying contributions (QCs) and supporting documentation to the Commission on April 22, 2024, the last day of the qualifying period. On May 1, 2024, Commission staff determined that he was not eligible to receive the funding because he did not submit proof that 30 contributors were registered to vote in House District 92. On May 3, 2024, Mr. Girardin appealed the staff determination to the Commission.

Mr. Girardin testified he received QCs from 64 contributors who were registered to vote in his district. He entered the information into the Commission's online QC service, and they stayed in a "pending" status until after the April 22nd deadline. He understands the process now, after

following up with the Commission's written guidance. On April 17 or 18, he received a phone call stating he had to log in to review his clean election donations, and when he did, they were listed in a pending status, and they stayed that way.

When Mr. Girardin came to the Commission office on April 22 to drop off his packet for certification, he asked why the QCs were all in pending status and was told they would stay that way until he requested certification and filed his seed money report, for which he had requested an extension. Once he filed his seed money report, he noticed he had 30 unverified contributions. He brought the verification form to the town office and had the voters verified. He would like to honor the contributors by being able to run as a clean election candidate. He did not dispute he had made an error, but felt it could have been an easier process.

Mr. Hastings asked Mr. Girardin if he had a copy of the MCEA Candidate Guidebook. Mr. Girardin stated he had done a quick readthrough and the information was there, but he found it to be a daunting and confusing process.

The Commission staff called Candidate Registrar Lorrie Brann as a witness. She described the process to become a MCEA candidate and collect QCs. The candidate enters contributors who made QCs by check or cash in the Commission's online QC service. The service also has a record of QCs that contributors made through the service with a debit or credit card. When the QCs are entered, the site attempts to verify the contributors' voter registration status through an interface with the Secretary of State's central voter registration system. When a candidate does a search, QCs are listed as verified or unverified. Once a candidate submits all written materials and requests certification, the Candidate Registrar reviews the QCs to determine if they are valid. All QCs remain in a pending status until the candidate requests certification from the Commission.

Mr. Wayne asked whose responsibility it was to verify that contributors are registered to vote in the legislative district. Ms. Brann replied it was the candidate's responsibility. She noted several locations in the Commission's guidebook where that is stated, along with step-by-step instructions for how to verify contributors' voter registration status. She explained that if a candidate has unverified QCs, they must print forms and take them to a town clerk, and the Commission will not accept these forms after the deadline. Mr. Wayne requested that a form that Mr. Girardin had brought to the hearing be entered into the record. With no objection from Mr. Girardin, the form was accepted.

Mr. Girardin was invited to make any additional comments. He said he understands the process now, but he just didn't understand how to get the pending status to go away. Ms. Brann said the only way to get past the pending status was to request certification.

Mr. Schneider made a motion that Mr. Girardin did not fulfill the requirements to become a clean election candidate. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Hastings moved to authorize the Commission Chair to issue a written decision consistent with their vote. The motion was seconded by Mr. Marble. The motion passed 4-0.

Other Business

Question 2, which was approved by Maine voters on November 7, 2023, directed the Commission to issue an annual report on proposals in the U.S. Congress to amend the federal constitution to allow for greater regulation of how money is raised and spent to influence elections. Specifically, for seven consecutive years beginning on July 31, 2024, the Commission is required to issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress, and the members of Maine's congressional delegation sponsoring such proposals.

Mr. Wayne said Commission staff had identified six congressional resolutions introduced during 2023-2024 that proposed relevant constitutional amendments. He sought feedback from the Commission concerning whether the report should focus on sponsorship of the proposals by members of Maine's delegation or should cover other forms of engagement by the delegation. He also asked what opportunity to comment should be extended to the public, including whether the Commission would like to hold a public hearing.

Mr. Schneider stated in his opinion the most useful comments would be written comments and suggested establishing a 30-day period for written comments which would allow plenty of time for the Commission to incorporate those into the report. The Commission discussed the most effective means of inviting comment.

Mr. Hastings stated the referendum is inserting the Commission into partisan politics, as it is a political issue. He said he would hate to see the Commission become a forum for partisan issues as that is not its role and felt seeking public comments was sufficient.

Mr. Hastings moved to have the Commission staff identify the bills in front of Congress and the extent of the Maine delegation's sponsorship of them for the report. The motion was seconded by Mr. Schneider. Motion passed 4-0.

Mr. Schneider moved to have Commission staff solicit written remarks from the public without holding a public hearing. The motion was seconded by Mr. Hastings. The motion passed 4-0.

Mr. Hastings made a motion to adjourn. Mr. Marble seconded. The motion passed 4-0. The meeting was adjourned at 10:05 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director