



Minutes of the May 29, 2024 Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William Schneider, Esq., Chair; Dennis Marble; David Hastings, Esq. and Sarah LeClaire, 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. Ratification of the Minutes of the March 27, April 18, and May 8, 2024 Meetings

Mr. Marble moved to ratify the minutes of the March 27, April 18, and May 8, 2024 meetings as presented. Mr. Hastings seconded the motion. The motion passed 4-0.

2. Late Registration and Reporting – Referendum in Boothbay and Boothbay Harbor

On April 11, 2024, Boothbay Harbor resident Denise Griffin filed a complaint regarding lawn signs and multiple advertisements in the Boothbay Register newspaper by Citizens for a Bright Future for the Boothbay Region (“Bright Future”) that promoted the passage of a local referendum to fund a new school building. At a special meeting on April 18, 2024, the Commission authorized staff to investigate Bright Future and other participants in the referendum.

During the investigation, staff obtained financial information concerning spending by Bright Future and two groups who opposed the measure. After reviewing its own spending, Bright Future voluntarily registered and filed a campaign finance report, which triggered the Commission’s late-filing penalty process. Bright Future requested a waiver of the preliminary penalty of \$3,866 for late financial reporting. Commission staff recommended a total penalty of \$300: a \$250 penalty for the late campaign finance report, and \$50 for the lack of disclaimers on lawn signs. Staff recommended no action against the two groups that opposed the referendum because their spending was less than the \$5,000 threshold for financial reporting.

Mr. Toby McGrath, a consultant at the law firm of Drummond Woodsum, addressed the Commission on behalf of Bright Future. He explained he worked with Bright Future on a local ordinance five years ago, and they were unaware of the statute changes until notified by the

Commission of the complaint. There was no intent to hide any information. The group acted quickly to get assistance from Mr. McGrath and filed the necessary reports as soon as possible.

Mr. Schneider moved to find Citizens for a Bright Future filed their registration and initial campaign finance report late and lacked the proper disclaimer on their lawn signs. The motion was seconded by Mr. Marble. The motion passed 4-0.

Mr. Schneider moved to assess a total of \$300 in fines, \$250 for the late initial campaign finance report and \$50 for the lack of disclaimers on the lawn signs. The motion was seconded by Mr. Marble. The motion passed 4-0.

3. Request for Waiver of Late-Filing Penalty – Planned Parenthood Maine Action Fund

The Planned Parenthood Maine Action Fund PAC (“PPMAF”) was required to file an independent expenditure report by April 27, 2024 for a mailing that supported a primary election candidate. The PAC filed the report 14 days late because a staff member unexpectedly took over filing campaign finance reports and was unfamiliar with the Commission’s eFiling system. PPMAF requested a waiver of the \$733.60 preliminary penalty. Staff recommended reducing the penalty to \$400.

Ms. Lisa Margulies, Principal Officer of PPMAF, explained the issues she had with using the eFiling system to file the independent expenditure report. Upon realizing that the PAC had not completed filing the report, Ms. Margulies reached out to the Commission staff to fix the error.

Mr. Schneider moved to reduce the penalty to \$400. Mr. Marble seconded the motion. The motion passed 4-0.

4. Late PAC Registration by Bangor Fire Fighters PAC Fund

Political action committees (PACs) registered with the Commission must electronically update their registration by March 1st of an election year. The Bangor Fire Fighters PAC Fund did not update its registration until March 11, 2024. PAC has been inactive for years, and recently donated their account balance to the Professional Fire Fighters of Maine PAC and terminated their registration with the Commission. Initially, Commission staff recommended assessing a penalty of \$250 for filing an updated PAC registration late.

PAC treasurer, Mr. Robert Lepari, said he received some notices regarding updating the registration but since there were no changes did not any action was needed due to his infrequent

review of PAC emails. In light of Mr. Lepari's remarks and the dissolution of the PAC, Commission staff withdrew its penalty recommendation.

Mr. Schneider moved to find the updated registration was filed late and to assess no penalty. Mr. Marble seconded the motion. The motion passed 4-0.

5. Unregistered Legislative Candidate – Hon. Joseph Galletta

State Representative Joseph Galletta qualified as a candidate for reelection on March 13, 2024. He was in a contested primary election on June 11, 2024. Commission staff made several contacts with him to request he register as a candidate, but he did not register. Staff recommended finding Rep. Galletta in violation of 21-A M.R.S. § 1013-A(l)(A) and assessing a \$100 penalty. After the materials for the meeting were finalized, Rep. Galletta registered.

The Commission discussed Rep. Galletta's failure to register. Mr. Marble expressed concern that a significant number of attempts and staff time were ignored by an incumbent candidate. He did not feel it should go unaddressed. Mr. Hastings said Rep. Galletta appeared to willfully refuse to register after three letters and four phone calls from staff were unanswered. Rep. Galletta did not submit information for the Commission's consideration and did not participate in the meeting.

Mr. Hasting moved to assess a penalty of \$100 for the late registration. Mr. Marble seconded the motion. The motion passed 4-0.

6. Rulemaking – Election Spending by Foreign Governments

On November 7, 2023, Maine voters approved Question 2, which enacted 21-A M.R.S. § 1064. The statute is intended to prevent the influence of foreign governments in Maine elections. At its January 2024 meeting, the Commission invited comments on proposed rule amendments to implement 21-A M.R.S. § 1064. The Commission held a February 2024 public hearing, and written comments were accepted through March 11, 2024.

At its March 27, 2024 meeting, the Commission considered the comments and decided to proceed with the rulemaking by inviting a second round of comments on revised amendments that were proposed by staff in consultation with the Commission's counsel. The amendments included proposed subsections § 15(9) & (10), which were intended to provide guidance concerning the amendments' enforceability in light of a constitutional challenge to 21-A M.R.S. § 1064.

During the second round, the Commission received comments from Versant Power, which asserted that § 15(9) & (10) would create uncertainty and asked the Commission to suspend the

rulemaking. The Commission staff recommended adopting the revised amendments presented in March 2024 without changes.

Mr. Schneider moved to adopt the rules with the amendments to become effective if the U.S. District Court permitted the law to be enforced. Mr. Marble seconded the motion. The motion passed 4-0.

Mr. Marble made a motion to adjourn. Mr. Hastings seconded. The motion passed 4-0. The meeting was adjourned at 9:45 a.m.

Respectfully submitted,

Jonathan Wayne, Executive Director