



Minutes of the January 30, 2023 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.; Sarah LeClaire, Esq. and Stacey Neumann, Esq.

Staff: Jonathan Wayne, Executive Director; and Jonathan R. Bolton, Assistant Attorney General.

Commissioner Schneider convened the meeting at 9:00 a.m., which was livestreamed on YouTube.

1. Ratification of the Minutes of the December 21, 2022 Meeting

Mr. Schneider moved to ratify the December 21, 2022 minutes. Ms. Neumann seconded the motion. The motion passed 5-0.

2. Request for Waiver of Late-Filing Penalty – Hon. Mark Lawrence

Sen. Mark Lawrence's campaign made a payment of \$5,000 for online digital advertising on November 2, 2022, which required him to file a 24-Hour Report on November 3. The report, however, was not filed until December 21. The preliminary penalty was \$5,000. The Commission staff recommended a reduction to \$500.

Sen. Lawrence said he and his treasurer had family issues around that time and his campaign manager was going through a divorce, causing them to miss reporting the \$5,000 expenditure.

Mr. Schneider moved to reduce the penalty to \$500. Mr. Marble seconded the motion. The motion passed 5-0.

3. Request for Waiver of Late-Filing Penalty – Hon. Ronald Russell

Rep. Russell placed a newspaper ad on October 28, 2022 for \$1,513 requiring him to file a 24-Hour Report on October 29, but it was not filed until December 20. The preliminary penalty was \$1,573.

Rep. Russell commented to the Commission that its educational materials were clear. He communicated regularly with Candidate Registrar Erin Gordon and read her filing reminders. His campaign had no problem filing on time. Since he had not received an email from Lorrie Brann previously, he unintentionally missed the October 25 email notice from her concerning the 24-Hour reporting requirement.

Mr. Schneider moved to reduce the penalty to \$350. Ms. LeClaire seconded the motion. The motion passed 5-0.

4. Request for Waiver of Late-Filing Penalty – Hon. Reagan Paul

Rep. Reagan Paul ordered printed campaign materials on October 31, 2022 for \$1,986. A 24-Hour Report was filed late on December 20. The preliminary penalty was \$1,945. Rep. Paul explained she was an inexperienced first-time candidate. She would report expenditures when they cleared the bank. Toward the end of her campaign, she was so busy she had stopped looking at the statements for expenditures. She acknowledged the unintentional reporting error and accepted the staff recommendation to reduce the penalty to \$350.

Mr. Schneider moved to reduce the penalty to \$350. Mr. Hastings seconded the motion. The motion passed 5-0.

5. Request for Waiver of Late-Filing Penalty – Neil MacLean, Jr.

Mr. Neil MacLean was a first-time candidate running for District Attorney. On November 3, 2022 his campaign paid \$4,600 to Rumble Up for text messaging, which required a 24-Hour Report to be filed by November 4. The report was filed on December 14 and the preliminary penalty was \$3,680. The Commission staff recommended a reduction of the penalty to \$350.

Mr. MacLean's Treasurer, Ms. Patricia Poulin, appreciated the staff recommendation. She stated the Commission staff was available and helpful throughout the campaign. She was not familiar with the reporting requirements, but learned a lot and will not make the same error in the future.

Mr. Schneider moved to reduce the penalty to \$350. Mr. Marble seconded the motion. The motion passed 5-0.

6. Request for Waiver of Late-Filing Penalty – Hon. Sharri MacDonald

Rep. Sharri MacDonald's 42-Day and 11-Day Pre-General reports were filed with no expenditures. In fact, during the report period, the campaign made three expenditures totaling roughly \$850. The two reports did not substantially conform to the reporting requirements and were both considered late, resulting in a combined preliminary penalty of \$1,105. The Commission staff recommended a reduction to \$250 and \$100 respectively for a total of \$350. Rep. MacDonald was unable to attend the meeting but indicated to Commission staff that she agreed with the staff recommendation. The Commission discussed the staff's standards for substantial compliance, and the small amount of the unreported transactions.

Ms. Neumann moved to reduce the penalty for the late 42-Day Pre-General Report to \$150. Mr. Hastings seconded the motion. The motion passed 5-0.

Ms. Neumann moved to reduce the penalty for the late 11-Day Pre-General Report to \$50. Mr. Marble seconded the motion. The motion passed 5-0.

7. Request for Waiver of Late Filing Penalties – Aroostook County Republican Committee

The Aroostook County Republican Committee filed two late reports. Mr. Wayne provided his understanding of the factual circumstances because no representative of the committee participated in the meeting. He explained all party committees at the local level are required to file up to three reports a year if they receive or spend more than \$1,500 in that year. In the middle of 2022, Committee Registrar Emma Burke spoke with committee treasurer, Melissa Richardson, regarding the \$1,500 threshold and advised that she would need to file the 11-Day Pre-General Report due October 28, 2022. Records show Ms. Richardson tried twice to log into the Commission's eFiling website on the deadline and once four days later, but no transactions were entered. The 11-Day Pre-General Report was filed nine days late resulting in a \$500 preliminary penalty.

The Committee made an expenditure of \$1,500 for radio ads on November 4, requiring a 24-Hour Report on November 5. On November 7, Ms. Burke contacted Ms. Richardson regarding the late report. Ms. Richardson was ill with Covid. Ms. Burke filed the report for her. The preliminary

penalty for the late 24-Hour Report was \$120. The Commission staff recommended reducing the \$500 penalty to \$100, but not reduce the \$120 penalty.

Mr. Schneider moved to assess a \$120 penalty for the late 11-Day Pre-General Report. Ms. Neumann seconded. The motion passed 5-0.

Mr. Schneider moved to assess a \$120 penalty for the late 24-Hour Report. Mr. Marble seconded the motion. The motion passed 5-0.

8. Potential Maine Clean Election Act Violation – Frank Roma

Mr. Frank Roma was a Maine Clean Election Act (MCEA) candidate in the 2022 elections. He paid for campaign expenditures from his personal funds and would reimburse them with MCEA funds from his campaign account, which is permissible under the law. He made three transactions totaling \$943 with his personal funds but found he did not have sufficient public funds in his campaign account to cover the expenditures. As a result, he spent more than he was authorized under the program. The Commission staff recommended a \$200 - \$400 penalty for the violation. Mr. Roma did not participate in the meeting.

Ms. Neumann moved to find that Mr. Roma violated 21-A M.R.S. § 1125(6). Ms. LeClaire seconded. The motion passed 5-0.

Ms. Neumann moved to assess a penalty of \$200. Ms. LeClaire seconded. The motion passed 5-0.

9. Update on Matthew Toth and Clinton Collamore

MCEA candidates for the House of Representatives must collect sixty \$5 qualifying contributions from registered voters in their districts. At the time of the contribution, the voter is asked to sign a form affirming they gave the \$5 from their personal funds without receiving anything in return

Commission staff receives paperwork from about 200 MCEA and reviews it for fraud and verification that certain technical requirements are met. This work is currently preformed by Candidate Registrars Erin Gordon and Lorrie Brann and formerly by Emma Burke. They look at signatures on checks, money orders, and forms submitted by the candidate to ensure they are consistent. Additionally, they look for patterns in the signatures.

In April 2022, Ms. Burke was reviewing the qualifying papers by House candidate Matthew Toth and noticed irregularities. When looking more closely at the signatures, the staff found 12 contributor signatures that did not look genuine. The staff contacted the contributors and concluded that at least seven signatures had been forged. The matter was sent to the Attorney General's Office for further investigation, resulting in Mr. Toth's criminal indictment on December 5, 2022. Mr. Toth withdrew as a candidate after the primary election and did not qualify for MCEA funds.

Rep. Clinton Collamore was elected in November 2022. Mr. Wayne explained he had made a large submission in April of about 130 qualifying contributions. At that time, there was no noticeable pattern of irregularities. He was paid MCEA funds in April and qualified for additional supplemental funds over the summer. As Rep. Collamore sent in more qualifying contributions, Ms. Gordon noticed a pattern, which caused the staff to re-examine the paperwork and checks received. The staff's opinion was that Rep. Collamore signed for the contributor in more than 30 cases. Following a staff investigation, four contributors confirmed not having signed the forms. The matter was sent to the Attorney General's Office for an investigation that resulted in a criminal indictment on December 15, 2022.

Mr. Wayne said candidates may not recognize the seriousness of what they are doing when they sign other people's names. He said that Commission staff looks at all documents submitted to the office and fraud will not be tolerated. The criminal matters are ongoing, and staff recommends no Commission action until those cases are resolved.

Other Business

Adjournment

Ms. Neumann made a motion to adjourn. Mr. Hastings seconded. The motion passed 5-0. The meeting adjourned at 10:20 a.m.

Respectfully submitted,
Jonathan Wayne, Executive Director