



To: Commissioners
From: Michael J. Dunn, Esq., Political Committee Registrar
Date: May 18, 2021
Re: Liberty Initiative Fund – Maine PAC – Late Major Contributor Report Waiver Request
We the People PAC – Late Major Contributor Notice

INTRODUCTION

Organizations that provide more than \$100,000 to a political action committee (PAC) or ballot question committee (BQC) for purposes of influencing a citizen initiative or people's veto referendum are required to file a one-time Major Contributor Report with the Commission. The report provides the public with a snapshot overview of the contributor. The contributor must disclose the form of the organization, a responsible officer, tax exempt status (if applicable), a certification whether or not the contributor received money from another source for the purpose of influencing the Maine ballot question, and some information concerning the sources of contributor's recent income. This is not a regular campaign finance report. Rather, it is a profile of an organization that has provide major funding to support or oppose a ballot question in Maine.

The law requires the PAC or BQC receiving the funding to provide written notice to the major contributor of the duty to file the report. The Commission has posted a form notice on our website for the PAC or BQC to use. The major contributor must file the report by the next PAC filing deadline that occurs after it has received the written notice from the PAC or BQC.

The ballot question in this case is "An Act to Clarify the Eligibility of Voters," which was initiated in 2019 by Rep. William Faulkingham and others to further restrict voting in Maine by people who are not U.S. citizens. He is the treasurer of We the People, the Maine PAC that he formed with two other State Representatives in April 2020 to promote the initiative. In this memo, We the People is referred to as "the Recipient" because it received major funding from The Liberty Initiative Fund – Maine. Liberty Initiative Fund – Maine (the "Contributor") is a political action committee that registered on October 19, 2020 in support of the citizen initiative.

As of March 30, 2021, the initiative campaign had failed to gather enough signatures to appear on the November 2021 ballot.

The Contributor donated in aggregate over \$100,000 to the Recipient on November 3, 2020. ETH. 10. The Recipient was required to provide written notice to the Contributor by November 8, 2020. 21-A M.R.S. § 1060-A(2). The due date for the report is contingent on when the Contributor receives the notice of its obligation; in this case, the Major Contributor Report would have been required by December 15, 2020. 21-A M.R.S. § 1060-A(3). The report was filed April 19, 2021.

After seeing a news report indicating that the Contributor may have exceeded the \$100,000 threshold, the Commission staff reached out to the Recipient regarding whether the Major Contributor Notice had been mailed. ETH. 19-21. The Recipient responded that the notice was mailed on November 6, 2020, but they had not retained a copy, nor did they have proof of mailing. ETH. 19-21.

Based on this representation, the Commission staff contacted the Contributor regarding why the Major Contributor Report had not been filed. The Contributor indicated that they had never received the notice and they were unaware of the requirement. ETH. 1. The Commission staff assisted the Contributor in filing the Major Contributor Report (ETH. 9-12) and the Contributor requested a waiver of the statutory penalty, totaling \$11,500. ETH. 1.

Part of the waiver request indicates that the Contributor never received notice of its obligation as required by 21-A M.R.S. § 1060-A. ETH. 1. Section 1060-A allows the Commission to assess a penalty against the Recipient if they failed to provide appropriate notice to the Contributor. The Commission staff invited the Recipient to submit a response and to participate in the Commission meeting due to that possibility. ETH. 6-8.

The Recipient contends that no penalty should be assessed against it because it mailed the notice as required. ETH. 4-5. The Recipient points to its other reported expenditure (purchase of envelopes and postage) and its history of filing timely reports. ETH. 4-5. The Recipient also raises concerns with the procedures used to enforce the Major Contributor provisions. ETH. 4-5.

The issues before the Commission are:

1. Whether a violation of § 1060-A occurred.
2. Who is responsible for that violation (Liberty Initiative Fund – Maine or We the People)?
3. What financial penalty should be imposed?

LEGAL REQUIREMENTS

Major Contributor Requirements

A person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing a people’s veto referendum campaign or a direct initiative campaign is considered a “major contributor.” 21-A M.R.S. § 1060-A(1)(B). The recipient committee shall provide written notice to the major contributor within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee. Id.

DISCUSSION AND STAFF RECOMMENDATION

The application of the campaign finance reporting requirements in this case is not as straightforward as many late-filing cases that come before the Commission. A Major Contributor Report was filed four months later than intended by statute. Both participants argue, however, that they complied with the legal requirements applicable to them. Below in this memorandum, the Commission staff recommends an outcome that appears to us most effective in avoiding similar reporting violations in the future, but we acknowledge that this case involves discretion which you may determine that either or both participants substantially complied with the statutory requirements.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount is \$11,500, calculated as follows:

Report	Date Due	Financial Activity	Penalty Rate	Preliminary Penalty
Major Contributor Notice	11/08/2020	\$115,000	10%	\$11,500
Major Contributor Report	12/15/2020	\$115,000	10%	\$11,500

Depending on whether you determine they violated 21-A M.R.S. §§ 1060-A(2) or (3), this penalty, subject to any reduction by the Commission, could be assessed against either the Contributor or the Recipient. The Commission staff does not believe that it could be assessed against both because the responsible party is determined by whether the Recipient provided notice to the Contributor. 21-A M.R.S. § 1060-A(5). Accordingly, the Commission staff is of the opinion that any penalty can be assessed only once.

For purposes of this discussion, the Commission staff will not assess the credibility of the two positions. The Commission is in the best position to assess credibility based upon the participants' presentations. If the Commission finds that a participant is not credible, then any penalty would likely be assessed against that participant. The Commission staff will assume that both participants are credible and provide analysis based on that assumption.

- I. The Commission staff recommends that the Commission find that a violation of 21-A M.R.S. § 1060-A occurred.

Within five days of receiving, in the aggregate, more than \$100,000 for the purpose of initiating or influencing a campaign for a people's veto referendum or direct initiative of legislation, the recipient committee shall provide written notice of the major contributor's obligation to file a report. 21-A M.R.S. § 1060-A(2). The major contributor must file the report by the next due date for campaign finance reports for PACs. 21-A M.R.S. § 1060-A(3). If either the recipient has failed to provide notice within 5 days or if the contributor fails to file by the appropriate deadline, then there has been a violation of § 1060-A.

The Contributor gave more than \$100,000 on November 3, 2020 and was required to provide notice by November 8, 2020. ETH. 9-12. The Recipient has indicated that the Notice was

mailed on November 6, 2020. ETH. 20. The Contributor has indicated that they never received the Notice. ETH. 1.

If the Commission finds one position to be non-credible then that participant should be found to have violated § 1060-A. If the Commission finds that both positions are credible then the Commission staff recommends that the Commission find that the Recipient failed to provide effective notice of the filing requirement to the Contributor.

- II. The Commission staff recommends that the Commission find that the Recipient Committee failed to provide timely notice.

The recipient committee shall provide written notice to the major contributor of the reporting requirements. 21-A M.R.S. § 1060-A(2). The recipient committee shall also submit a copy of the notice to the Commission. Id. The recipient committee may use the sample written notice prepared by the Commission for this purpose. Id.

The Commission staff interprets this section to mean that the Recipient must have provided actual notice to the Contributor. The initial obligation under § 1060-A is on the Recipient because they are in the best position to inform the Contributor of their obligations. The Recipient is also in the best position to follow-up with the Contributor to ensure that they received the notice. Once the Contributor receives the Notice, then the obligation shifts to them to file the report. 21-A M.R.S. § 1060-A(3).

In this case, the Recipient mailed the Notice, but it was not received by the Contributor. ETH. 1, 4-5. The obligation, therefore, never shifted from the Recipient to the Contributor. Since that obligation never shifted, it remains with the Recipient, and the Recipient may be penalized for failure to provide actual notice.

The Commission staff does not want to discount the Recipient's attempt to comply with their obligations. There is fairly strong circumstantial evidence that the Recipient attempted to mail the Notice to the Contributor. ETH. 4-5, 19-21. However, the Recipient may not have done enough to meet its obligations. The Recipient did not provide a copy to the Commission as

required by statute¹. ETH. 1; 21-A M.R.S. § 1060-A(2). The Recipient did not send the Notice by certified mail, with return receipt, which would have provided them with proof of mailing. The Recipient also did not follow-up with the Contributor regarding the Notice. This Recipient indicated that they mostly communicated with the Contributor by phone² throughout the campaign. ETH. 4-5. At all relevant points, the Recipient was in the best position to ensure that they met their obligations to provide Notice and failed to do so.

For these reasons, it is the opinion of the Commission staff that the Commission find that the Recipient failed to provide appropriate Notice to the Contributor.

III. The Commission staff recommends that the Commission reduce the penalty to \$500.

The Commission may assess a penalty against a recipient committee that has not provided written notice of the reporting requirements to the major contributor. 21-A M.R.S. § 1060-A(5). The Commission can impose a penalty up to the \$11,500. In considering the waiver request, the Commission shall consider, among other things, the number of days that the report was filed late and the amount of the financial activity. Id.

There are significant mitigating factors in this case that warrant a substantial reduction. The Recipient attempted to comply with their obligations. ETH. 4-5. The Recipient has a strong track record of filing timely campaign finance reports. The Contributor has operated in Maine for less than one year and is inexperienced in Maine campaign finance law. ETH. 13-18.

In this case, the harm to the public is significantly reduced because the Contributor (Liberty Initiative Fund – Maine) filed a PAC registration with the Commission on October 29, 2020 and filed three campaign finance reports thereafter. The registration identified Paul Jacob as its principal officer, and Frank Gilbert as its treasurer. It reported receiving a contribution of

¹ The Recipients contend that this is not required and that the process is void of checks and balances. The statute, however, does require that a copy be provided to the Commission. 21-A M.R.S. § 1060-A(2). The Commission's guidance on the Major Contributor Report, which is publicly available on the same page as the notice explains that requirement. ETH. 22. The Commission staff agrees that this obligation is not on the form itself and Commission staff is working on preparing an updated form that provides additional guidance on this and other issues that the Commission has recently considered related to the Major Contributor Reports.

² The Recipient's letter does not indicate that they spoke with the Contributor regarding the Notice only that because they did so they could not provide additional evidence of the reminders. Commission staff recommends that this be explored further by the Commission.

\$300,000 from Richard Uihlein in October 2020, which was the source of money it subsequently contributed to We the People in October and November. ETH. 13-18. Accordingly, the Commission staff views this violation as a technical violation with less harm to the public.

Historically, the Commission has imposed a \$500 penalty against PACs for technical violations without harm to the public. In Maine Truck PAC 24-Hour Waiver Request (10/16/2020), the Commission reduced the penalty for a late 24-Hour report to \$500 when the PAC ordered golf balls in April, paid the invoice in July (during the 24-Hour report period) for a fundraiser occurring in September. The Commission found that the golf balls were unrelated to the primary election and that there was no public harm. Similarly, in Request to Investigate Contributions by Gideon Leadership PAC (10/30/2019), the Commission imposed a \$500 penalty for making contributions in the name of another when the Gideon Leadership PAC reimbursed Sara Gideon for making contributions in her own name. The Commission found that there was no harm to the public because the contributions were made by Speaker Gideon's leadership PAC instead of herself.

For late Major Contributor Notices, the Commission has generally reduced penalties to between \$2,500 and \$5,000. In Clean Energy Matters' Waiver Request (03/31/2021) the Commission reduced a \$50,000 penalty to \$5,000. In Mainers for Local Power's Waiver Request (03/10/2020) the Commission reduced two penalties totaling \$53,431 to \$2,500.

These two lines of precedents have not intersected before now. The Major Contributor section is vital to the statutory scheme and any penalties should be higher than what is normally imposed for PAC violations; however, the facts here present a compelling case for mitigating circumstances. Commission staff is of the opinion that a \$500 penalty is appropriate because the public was not harmed by the late filing and there was a good faith effort made to comply with the law.

CONCLUSION

The Commission staff recommends that the Commission find that the We the People PAC failed to provide timely notice to the Liberty Initiative Fund – Maine of its Major Contributor obligations. The Commission staff recommends that no finding of violation be made against the Liberty Initiative Fund – Maine. The Commission staff further recommends that the

Commission impose a \$500 penalty for this violation. Thank you for your attention in this matter.

April 20, 2021

Attn: Michael J. Dunn

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Subject: *Request for Waiver of Penalty*

Dear Commissioners:


This letter requests that the Maine Ethics Commission waive the \$11,500 penalty assessed against *Liberty Initiative Fund—Maine* for a late Major Contributor Report.

Please take the following facts into consideration:

- We were unaware any such filing was required.
- LIF-M received no notice from We the People PAC, the recipient committee. Nor any notice from the State of Maine.
- Upon learning of the requirement, we timely filed the Major Contributor Report.
- Through your online system, LIF-M has timely filed every contribution and expenditure made, including the contributions to We the People PAC, which we now discover triggered an additional report of information that we have previously reported.

Please let me know if there is any additional information you need. Thank you for your consideration.

Sincerely,



Paul Jacob
President

LIBERTY INITIATIVE FUND—MAINE
4491 Cheshire Station Plaza
Suite 176
Woodbridge VA 22193
(202) 499-4477



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

Amended

April 8, 2021

Frank Gilbert
Liberty Initiative Fund – Maine
4491 Cheshire Station Plaza, Suite 176
Woodbridge, VA 22193

Re: Late Major Contributor Report

Dear Mr. Gilbert:

The Commission staff has made a preliminary finding that Liberty Initiative Fund – Maine (“the Contributor”) was late in filing its Major Contributor Report for expenditures made to We the People PAC. The report was due by 11:59 p.m. on or about 12/15/2020, but has not been filed. Under the Commission’s statutes, the late filing of a report triggers an enforcement process. 21-A M.R.S. § 1060-A. The preliminary penalty is 10% of the total contributions required to be reported. Based on the contribution amount in the Contributor’s report, the Commission staff has determined that a preliminary penalty of \$11,500 is owed.

The Contributor may request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the Contributor filed late. Upon receiving your request, the Commission staff will schedule the Contributor’s request for an upcoming Commission meeting. A major contributor requesting a waiver or a designated representative may appear in person at the meeting. The major contributor may, in the alternative, submit a sworn statement explaining the mitigating circumstances for the Commission’s consideration.

The Commission may waive the penalty if it determines that the report was late due to, among other things, (1) any lack of notice from the recipient committee to the major contributor of the reporting requirement, (2) the number of days the report was filed late, and (3) the amount of the contributions required to be reported.

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Frank Gilbert
Liberty Initiative Fund – Maine
4491 Cheshire Station Plaza, Suite 176
Woodbridge, VA 22193

Violation:	Late Major Contributor Report
Amount Due:	\$11,500

MEMORANDUM FOR RECORD

May 14, 2021

To: Mr. Michael J. Dunn, Esq, Maine Ethics Commission

Title: Response to April 28, 2021 Letter by Mr. Michael Dunn titled, "Potential Late Major Contributor Notice to Liberty Initiative Fund - Maine"

Dear Mr. Dunn,

We the People PAC has made timely and accurate reports as required by law. More specifically, the PAC's receipt of more than \$100,000 from Liberty Initiative Fund occurred on November 3, 2020. The PAC made an accurate and timely 24-Hour Report for Contributions on November 4, 2020.

Just as with the PAC's timely and accurate Independent Expenditure reports on the Maine Ethics Commission portal, filed reports were printed, signed and notarized, and mailed via USPS to the Maine Ethics Commission. The Major Contributor Report to Liberty Initiative Fund was handled in the same manner.

After digitally and lawfully filing the receipt of \$35,000 that occurred on November 3, 2020, a Major Contributor Report was filled and printed out and mailed via USPS to Liberty Initiative Fund on Friday, November 6, 2020.

The issue of proof rests solely on two significant issues. Firstly, a Major Contributor Report is not mailed directly to the Maine Ethics Commission, so there is no verification of receipt on their end. Secondly, the Major Contributor Report is void of checks and balances. It's function, verification, and purpose should be reviewed. We believe it to be inconsistent with other requirements, especially since We the People PAC has continually proven itself as having acted in good faith with filings and transparency.

Since there is no further proof that such a document that is void of checks and balances could have been mailed, we would point the Commission to the purchase of envelopes and postage made on October 9, 2020 that was reported on the 11-Day Pre-General Election Report for such an activity, as well as our good history with reporting our Independent Expenditures.

We the People PAC primarily maintained contact with Liberty Initiative Fund telephonically, so we are unable to furnish proof of secondary or tertiary reminders of the major contribution notice at this time, except for the timely and accurate reports made on the Maine Ethics Commission portal.

We the People PAC maintains it has performed its duties to report contributions made and inform a major contributor of their contributions of more than \$100,000.

Sincerely,

Heidi Sampson, Principal Officer

Billy Bob Faulkingham, Treasurer

Justin Fecteau, Decision Maker



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

April 28, 2021

We the People PAC
PO Box 165
Augusta, ME 04332

Sent via USPS and Email

Re: Potential Late Major Contributor Notice to Liberty Initiative Fund – Maine

Dear Representatives Sampson, Faulkingham, and Fecteau:

As you know, on April 1, 2021, I emailed you regarding whether a Major Contributor Notice was sent to the Liberty Initiative Fund – Maine alerting them of their obligation to file a Major Contributor Report under 21-A M.R.S. § 1060-A. You had indicated that the Notice was mailed on November 6, 2020. The Ethics Commission staff has notified the Liberty Initiative Fund – Maine of a potential penalty in the preliminary amount of \$11,500 for the late Major Contributor Report.

I am writing to you because under 21-A M.R.S. §1060-A(5) a defense to a late Major Contributor Report is that the contributing group did not receive notice from the recipient committee, and that the recipient committee may be assessed a penalty for failing to provide notice. The Liberty Initiative Fund – Maine has raised the defense of lack of notice and therefore there is a potential that a penalty be assessed against the We the People PAC. The purpose of this letter is to invite you, as an interested party, to submit a written response and make a presentation at the next Commission meeting.

Commission’s Decision Whether to Impose a Penalty

The Commission will plan on considering this matter at its next public meeting on May 26, 2021. The Commission staff recommends that a representative of the PAC attend the meeting to respond to the potential violation and to answer any questions from the Commissioners. The meeting will begin at 9:00 a.m. and will take place via a publicly streamed Zoom call.

Relevant Law

Major Contributor Requirements

A person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people's veto referendum campaign or any one direct initiative campaign is considered a "major contributor." 21-A M.R.S. § 1060-A(1)(B). The recipient committee shall provide written notice to the major contributor within five (5) days of receiving more than \$100,000 on a form prescribed by the Commission. Id. at (2). After the major contributor receives the written notice from the recipient committee, the major contributor shall file a report on or before the next regularly scheduled PAC filing deadline under 21-A M.R.S. § 1059(2).

The Commission may assess a civil penalty against a major contributor that does not file a timely report. Id. at (5). The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Id. If the recipient committee fails to provide timely notice, the Commission may assess a penalty against that committee. Id. The major contributor or recipient committee may request a waiver of the preliminary penalty within fourteen (14) days after receiving the penalty notice from the Commission. Id.

Preliminary Penalty

The penalty for a late Major Contributor Report is 10% of the contributions provided to the Recipient. In this case, the preliminary penalty is \$11,500. The Commission could assess up to this amount as a penalty against the Liberty Initiative Fund – Maine or We the People PAC. Due to the circumstances of this late report, I would anticipate recommending a significantly smaller penalty, if one were assessed.

Request for Response

Please submit a written response to the request for investigation by Friday, May 14, 2021. You are welcome to submit any factual information or legal argument you believe is

We the People PAC

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April 28, 2021

relevant to the Commission's decision. In addition, the Commission staff recommends addressing the following points:

- Did We the People PAC provide notice to the Liberty Initiative Fund – Maine? If so, when? Please also detail how (USPS, FedEx, Email, etc.).
- Apart from providing the written notice, did any officers of We the People PAC have any discussions with the Liberty initiative Fund – Maine regarding the Major Contributor Notice/Report? If so, please describe those interactions.

Thank you for your cooperation with this request. I look forward to receiving your response on or before May 14, 2021. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Dunn / ytd".

Michael J. Dunn, Esq.

Political Committee and Lobbyist Registrar



MAJOR CONTRIBUTOR REPORT

2020 Election

Pursuant to 21-A M.R.S.A. §1060-A, any person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or a political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign must file this report with the Maine Ethics Commission before the next regularly scheduled filing deadline (see schedule below) or within two business days if a "Notice to Major Contributor" form is received during the last 13 days before an election.

NAME OF REPORT:	NOTICE RECEIVED:	REPORT DUE ON OR BEFORE:
<input type="checkbox"/> April Quarterly Report	April 10, 2020	January 1, 2020 - March 31, 2020
<input type="checkbox"/> 11-Day Pre-Primary Report	May 29, 2020	April 1, 2020 - May 26, 2020
<input type="checkbox"/> 42-Day Post-Primary Report	July 21, 2020	May 27, 2020 - July 14, 2020
<input type="checkbox"/> October Quarterly Report	October 5, 2020	July 15, 2020 - September 30, 2020
<input type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	October 1, 2020 - October 20, 2020
<input type="checkbox"/> 42-Day Post-General Report	December 15, 2020	October 21, 2020 - December 8, 2020
<input type="checkbox"/> January Quarterly Report	January 15, 2020	December 9, 2020 - December 31, 2020
<input type="checkbox"/> 2020 Primary Election 2-Day Report	May 27, 2020 - June 9, 2020	Within 2 Business days after receipt of notice.
<input type="checkbox"/> 2020 General Election 2-Day Report	October 21, 2020 - November 3, 2020	Within 2 Business days after receipt of notice.

ORGANIZATION INFORMATION

ORGANIZATION NAME *Liberty Initiative Fund - Maine*

MAILING ADDRESS *4491 Cheshire Station Plaza #176* PHONE *202-499-4477*

CITY, STATE, ZIP CODE *Woodbridge VA 22193* EMAIL *paul@libertyfund.org*

RESPONSIBLE OFFICER NAME AND POSITION *Paul Jacob, President*

FORM OF ORGANIZATION AND PURPOSE *Non-profit advocating pro-liberty activism.*

TAX STATUS

Does this Organization currently have a tax-exempt status with the Internal Revenue Service? Yes No

If Yes, under what section of the tax code does it claim exemption? *501c4*

Please list all jurisdictions with which this Organization files campaign finance reports: *State of Maine*

RECIPIENT INFORMATION

NAME OF RECIPIENT

We the People PAC

MAILING ADDRESS OF RECIPIENT

P.O. Box 165, Augusta ME 04332

DATE OF FIRST CONTRIBUTION TO RECIPIENT

Oct. 19, 2020

TOTAL AMOUNT GIVEN TO RECIPIENT TO DATE

\$ 115,000.00

ITEMIZED CONTRIBUTIONS GIVEN TO RECIPIENT COMMITTEE TO DATE

(If additional space is needed, continue on the "Schedule B-MC-1" Worksheet)

Date	Type of Contribution <i>(e.g., cash or in-kind. If in-kind, describe goods or services given.)</i>	Amount
10/19/20	Monetary contribution	\$ 30,000.00
10/29/20	Monetary contribution	\$ 50,000.00
11/3/20	monetary contribution	\$ 35,000.00

ORGANIZATION SOURCE OF FUNDS

- Please provide the names of the five largest sources of funds received by this Organization during the period beginning six months prior to the first contribution this Organization made to the recipient ballot question committee or political action committee.
- Do not include the names of sources of funds that are restricted to purposes unrelated to a direct initiative or people's veto referendum campaign.

1. Richard Uihlein

2.

3.

4.

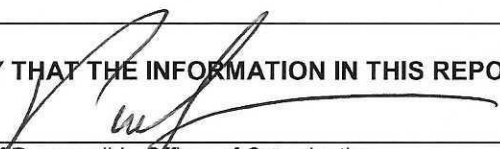
5.

CERTIFICATION OF RECEIPT OF CONTRIBUTIONS TO INFLUENCE A MAINE BALLOT QUESTION

Has this Organization received contributions, in whole or in part, for the purpose of initiating or influencing a direct initiative or people's veto referendum campaign in Maine?

- Yes *(If so, complete and attach the "Contributions Received to Influence Maine Ballot Question" Worksheet)*
 No

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.



 Signature of Responsible Officer of Organization

4/19/21

 Date

Schedule B-MC-1

Contributions Received to Influence Maine Ballot Question Worksheet

- Please list all contributions, as defined in 21-A M.R.S.A. §§ 1052(3) & 1060-A(1)(A), received, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in Maine in the spaces provided.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	DESCRIPTION (cash or goods, services, or discounts received)	VALUE
9/29/20	Richard Uihlein 12575 Uline Drive Pleasant Prairie WI 53158	monetary contribution	\$300,000 ⁰⁰
1/20/21	Richard Uihlein 12575 Uline Drive Pleasant Prairie WI 53158	monetary contribution	\$125,000 ⁰⁰
Total contributions (this page only) ⇒			\$425,000 ⁰⁰

Schedule B-MC-2

Itemized Contributions to Recipient Worksheet

- Please indicate the date, type of contribution, and amount.
- If the contribution was in-kind (goods or services), please describe the type of goods or services and provide the estimated fair-market value of the goods and services in the course of ordinary business as the amount of the contribution.
- Duplicate as needed.

Date	Type of Contribution (e.g., cash or in-kind. If in-kind, describe goods or services given.)	Amount

Total contributions to Recipient (this page only) =>



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT
FOR BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER	
Liberty Initiative Fund - Maine 4491 Cheshire Station Plaza, Suite 176 Woodbridge, VA 22193 PHONE:(202) 499-4477 EMAIL: paul@libertyifund.org		Mr. Frank Gilbert 1825 Butram Road White Hall, AR 71602 PHONE: EMAIL: arkysall@aol.com	
REPORT	DUE DATE	REPORTING PERIOD	
Initial Financial Report	10/29/2020	01/01/2020 - 10/22/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$300,000.00	\$300,000.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$300,000.00	\$300,000.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$30,000.00	\$30,000.00
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$30,000.00	\$30,000.00
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$300,000.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$30,000.00	
11. CASH BALANCE AT END OF PERIOD	\$270,000.00	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Paul Jacob, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Paul Jacob
 REPORT FILED ON: 10/27/2020 11:25:59 AM
 LAST MODIFIED:
 COMMITTEE ID: 388266

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
10/16/2020	Richard Uihlein 12575 ULINE DRIVE PLEASANT PRAIRIE, WI, 53158	Uline Shipping Supplies General Business	1	\$300,000.00
TOTAL CASH CONTRIBUTIONS				\$300,000.00

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/19/2020	We the People PAC PO Box 165 Augusta, ME, 04332	For costs related to gathering signatures PAYMENT OF \$30,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$30,000.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$30,000.00



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT
FOR BALLOT QUESTION COMMITTEES

COMMITTEE		TREASURER	
Liberty Initiative Fund - Maine 4491 Cheshire Station Plaza, Suite 176 Woodbridge, VA 22193 PHONE:(202) 499-4477 EMAIL: paul@libertyifund.org		Mr. Frank Gilbert 1825 Butram Road White Hall, AR 71602 PHONE: EMAIL: arkysall@aol.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-Day Post-General Election Report	12/15/2020	10/23/2020 - 12/08/2020	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$0.00	\$300,000.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$0.00	\$300,000.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$218,012.08	\$248,012.08
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$218,012.08	\$248,012.08
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$270,000.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$0.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$218,012.08	
11. CASH BALANCE AT END OF PERIOD	\$51,987.92	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

I, Paul Jacob, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Paul Jacob
 REPORT FILED ON: 12/14/2020 2:09:03 PM
 LAST MODIFIED:
 COMMITTEE ID: 388266

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/26/2020	Ballot Access LLC Post Office Box 4012 Surf City, NC, 28445	For signature gathering PAYMENT OF \$10,241.94 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$10,241.94
10/27/2020	We the People PAC PO Box 165 Augusta, ME, 04332	For costs related to signature gathering PAYMENT OF \$50,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$50,000.00
10/28/2020	Ballot Access LLC Post Office Box 4012 Surf City, NC, 28445	Petition drive PAYMENT OF \$10,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$10,000.00
10/30/2020	Ballot Access LLC Post Office Box 4012 Surf City, NC, 28445	Petition circulators PAYMENT OF \$10,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$10,000.00
11/3/2020	Ballot Access LLC Post Office Box 4012 Surf City, NC, 28445	Petitioning PAYMENT OF \$47,723.22 TO OPPOSE: An Act To Clarify the Eligibility of Voters	PER	\$47,723.22
11/3/2020	We the People PAC PO Box 165 Augusta, ME, 04332	Petitioning PAYMENT OF \$35,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$35,000.00

11/4/2020	RightAim Digital P.O. Box 317 Marshfield, MO, 65706	Alert citizens to petition PAYMENT OF \$40,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	ONL	\$40,000.00
11/5/2020	James J. Tracey, Jr. 107 Willard Road Auburn, ME, 04210	Petitioners PAYMENT OF \$22,000.00 TO SUPPORT: An Act To Clarify the Eligibility of Voters	PER	\$22,000.00
11/10/2020	James J. Tracey, Jr. 107 Willard Road Auburn, ME, 04210	Petitioning for the citizen only voting measure	PER	\$10,000.00
11/19/2020	Ballot Access LLC Post Office Box 4012 Surf City, NC, 28445	Returned Expenditure Overpayment	PER	(\$16,953.08)
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$218,012.08

From: [Dunn, Michael](#)
To: ["Justin Fecteau"](#)
Cc: [Heidi Sampson](#); [Billy Bob Faulkingham](#)
Subject: RE: We the People PAC - Major Contributor Notice to Liberty Initiative Fund
Date: Thursday, April 1, 2021 11:35:38 AM

That is the correct form. I'm going to follow-up with the Liberty Initiative Fund regarding the report. I'll reach out if I need anything further.

Thanks,

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar
Maine Ethics Commission
135 State House Station
Augusta, Maine 04333
Phone: (207) 287-4179 Fax: (207) 287-6775

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From: Justin Fecteau <justin.jacob.fecteau@gmail.com>
Sent: Thursday, April 1, 2021 11:26 AM
To: Dunn, Michael <Michael.Dunn@maine.gov>
Cc: Heidi Sampson <hsampson512@gmail.com>; Billy Bob Faulkingham <billybob518709@msn.com>
Subject: Re: We the People PAC - Major Contributor Notice to Liberty Initiative Fund

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I don't believe so, because there was no further action on our part. But I can check my records once again.

Attached is the form I filled out. Was that the correct form?

Best,
Justin

On Apr 1, 2021, at 11:20 AM, Dunn, Michael <Michael.Dunn@maine.gov> wrote:

Thank you, did you retain a copy of what was mailed, and if so can you provide that?

Thanks,

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar
Maine Ethics Commission
135 State House Station
Augusta, Maine 04333
Phone: (207) 287-4179 Fax: (207) 287-6775

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From: Justin Fecteau <justin.jacob.fecteau@gmail.com>

Sent: Thursday, April 1, 2021 11:19 AM

To: Dunn, Michael <Michael.Dunn@maine.gov>

Cc: Heidi Sampson <hsampson512@gmail.com>; Billy Bob Faulkingham <billybob518709@msn.com>

Subject: Re: We the People PAC - Major Contributor Notice to Liberty Initiative Fund

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mr Dunn,

The notice was mailed on 11/6/2020.

Best,

Justin

On Apr 1, 2021, at 8:41 AM, Dunn, Michael <Michael.Dunn@maine.gov> wrote:

Good Morning All:

I noted an article in the Morning Sentinel regarding the ballot initiative that you have been working on. This prompted me to review your transaction history and I determined that the Liberty Initiative Fund has contributed in aggregate over \$100,000 to We the People PAC on 11/03/2020. This would trigger an obligation for We the People PAC to provide a Major Contributor Notice to the Liberty Initiative Fund by 11/08/2020. Did that occur?

Thanks,

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar
Maine Ethics Commission
135 State House Station
Augusta, Maine 04333
Phone: (207) 287-4179 Fax: (207) 287-6775

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MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS

Who is a Major Contributor?

A Major Contributor is a person (a business, organization, association, etc., but not an individual) who gives more than \$100,000 to a political action committee or ballot question committee for the purpose of initiating or influencing a people's veto or citizen initiative.

What counts as a contribution?

Funds or anything of value that is given to a committee to initiate or influence a people's veto or citizen initiative.

Does this only apply to single contributions of more than \$100,000?

No. All contributions from the same Contributor, regardless of the amount, count towards the \$100,000 threshold.

Who is responsible for notifying the Major Contributor of the reporting requirement?

The committee that received the contributions is responsible for sending a written notice to the Contributor explaining the reporting requirement. The recipient committee must also copy the Commission on the notification.

When does the recipient committee have to notify the Contributor?

The recipient committee must notify the Contributor within 5 days of having received contributions from the Contributor exceeding the \$100,000 threshold. If the threshold is exceeded within 13 days before an election, then the committee must notify the Contributor in writing within 24 hours.

When does the Contributor have to file?

The Contributor must file a report on or before the next regularly scheduled filing deadline for campaign finance reports. If, however, the Contributor receives notice during the 13 days before an election, then the Contributor must file the report within 2 business days of having received the notice. The notice from the recipient committee will have the filing schedule.

MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS CONTINUED

What does the Contributor have to report?

1. *The name and relevant contact information for the Contributor and the name of the responsible officer;*
2. *The form of the organization (LLC, P.A., etc.), and its purpose;*
3. *The amount and date of each contribution to the recipient committee;*
4. *A certification that the Contributor has not received any contributions for the purpose of initiating or influencing a people's veto or citizen initiative, or if the contributor has received such contributions, the dates, sources, and amounts of any such contributions must be included;*
5. *The names of the 5 largest sources of funds received by the Contributor during the period of six months prior to the first contribution made to the committee and ending on the date of filing the report. This does not apply to any funds received by the Contributor that are restricted to be used for purposes other than influencing or initiating a people's veto or citizen initiative; and*
6. *A statement indicating whether the contributor is exempt from taxation by the I.R.S. and a list of any governmental jurisdictions that the Contributor has filed campaign finance reports during the previous 12 months.*

What happens if the Contributor doesn't file timely?

If the Contributor doesn't file the report on time, the Commission will issue a notice of preliminary penalty, which is 10% of the total contributions up to a maximum penalty of \$50,000. The notice of preliminary penalty will be mailed to the Contributor.

What happens if the committee fails to notify or is late in notifying the Contributor?

The committee maybe liable for a penalty of 10% of the total contributions from the Contributor up to a maximum of \$50,000.

Can the Contributor contest the preliminary penalty?

Yes. Within 14 days of having received the notice of preliminary penalty, the Contributor may request that the Commission issue a waiver, in full or in part, of the penalty. The Commission will consider the request at a monthly public meeting.

MAJOR CONTRIBUTORS

FREQUENTLY ASKED QUESTIONS CONTINUED

What factors does the Commission consider regarding a waiver request?

The Commission shall consider when the Contributor received notice of the reporting requirement, the number of days the report was late, the amount of the contributions reported late, and any other factors the Commission deems relevant.

Does the Contributor have to appear in person at the Commission meeting?

The Contributor or a representative may appear in person, or submit an affidavit explaining the mitigating circumstances. It is the Commission's strong preference that the Contributor or a representative appear in person.

What if the Commission doesn't grant a waiver request?

If the Commission does not grant a waiver request, the Contributor may appeal the Commission's decision to Superior Court. If the Contributor doesn't appeal the Commission's waiver denial, the Contributor must pay the preliminary penalty.

Statutory references:

21-A MRSA Sec. 1060-A

21-A MRSA Sec. 1062-A

Forms:

Notice to Major Contributor

Major Contributor Report

For more information:

Call the Commission on Governmental Ethics and Election Practices at (207) 287-4179 and ask to speak with the Political Committee and Lobbyist Registrar or send an e-mail to ethics@maine.gov.

Title 21-A Maine Revised Statutes

§1060-A. Campaign for direct initiative or people’s veto; reporting by major contributors

This section governs the reporting of contributions aggregating in excess of \$100,000 for the purpose of initiating or influencing a campaign for a people’s veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17 or a direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Contribution” has the same meaning as set out in section 1052, subsection 3 and also includes but is not limited to:

- (1) Funds or anything of value that the contributor specified were given in connection with a campaign for a people’s veto referendum or direct initiative campaign;
- (2) Funds or anything of value provided in response to a solicitation that would lead the contributor to believe that the contribution would be used specifically for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign; and
- (3) Funds or anything of value that can be reasonably determined to have been provided by the contributor for the purpose of initiating or influencing a people’s veto referendum or direct initiative campaign when viewed in the context of the contribution and the recipient committee’s activities during the campaign.

B. “Major contributor” means a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000 to a ballot question committee or political action committee for the purpose of initiating or influencing any one people’s veto referendum campaign or any one direct initiative campaign.

2. Notice to major contributor. Within 5 days of receiving more than \$100,000 in the aggregate from a major contributor, the recipient committee shall provide written notice to the major contributor of the reporting requirement under this section and shall submit a copy of the notice to the commission. If the \$100,000 aggregate amount is exceeded as a result of a contribution received during the last 13 days before an election, the recipient committee shall, within 24 hours of receiving the contribution, provide written notice of the reporting requirement to the major contributor and submit a copy of the notice to the commission. The commission shall prepare a sample written notice for this purpose.

3. Required reports. A major contributor shall file a report containing the information required in subsection 4 on or before the next regularly scheduled filing deadline under section 1059, subsection 2 occurring after the major contributor receives notice of the reporting requirement. If a major contributor has received a notice from a recipient committee or the commission during the last 13 days before an election as required under subsection 2, the major contributor shall file a report within 2 business days of receiving notice from the recipient committee or commission. The commission shall prescribe and prepare forms for these reports and may require major contributors to file reports electronically.

4. Content. In the reports required under subsection 3, a major contributor shall provide:

- A.** The name of and relevant contact information for the major contributor and the name of a responsible officer of the major contributor;
- B.** The form of organization and purpose of the major contributor;
- C.** The amount and date of each contribution from the major contributor to the recipient committee;
- D.** A certification that the major contributor has not received contributions, in whole or in part, for the purpose of initiating or influencing a people's veto referendum or direct initiative campaign in this State or, if the major contributor has received such contributions, the dates, sources and amounts of any such contributions;
- E.** The names of the 5 largest sources of funds received by the major contributor during the period beginning 6 months prior to the first contribution made to the recipient committee and ending on the date of the filing of the report. This paragraph does not apply to funds received by the major contributor that are restricted to purposes that are unrelated to a people's veto referendum or direct initiative campaign in the State; and
- F.** A statement indicating whether the major contributor is exempt from taxation under the United States Internal Revenue Code of 1986 and a list of any governmental jurisdictions within the United States in which the major contributor has filed campaign finance reports during the previous 12 months.

The commission may require by rule additional information to be reported consistent with this subsection to facilitate disclosure to citizens of this State of financial activity conducted for the purpose of influencing elections in this State.

5. Noncompliance. The commission may assess a civil penalty against a major contributor that does not file a timely report required under this section. The preliminary penalty is 10% of the total contributions required to be reported, up to a maximum of \$50,000. Within 14 calendar days of receiving notice of the preliminary penalty from the commission, the major contributor may request that the penalty be waived in full or in part. In considering a request for a waiver, the commission shall consider, among other things, any lack of notice to the major contributor of the reporting requirement, the number of days that the report was filed late and the amount of the contributions required to be reported. A major contributor requesting a determination may either appear in person or designate a representative to appear on the major contributor's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subsection must be sent to the major contributor. If a determination is not requested, the preliminary penalty calculated by the commission is final. The commission shall mail final notice of the penalty to the major contributor. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. The commission may assess a civil penalty in the same amount against a recipient committee that has not provided written notice of the reporting requirements to the major contributor as required by subsection 2, using the same procedures as set out in this subsection for penalties against the major contributor.

Petition about voting rules lacks enough signatures

Morning Sentinel; Waterville, Me.

March 30, 2021 Tuesday

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Section: Pg. 2.B

Length: 1113 words

Byline: Kevin Miller

Dateline: Waterville, Me.

Body

FULL TEXT

The Maine Secretary of State's Office said Monday the initiative, inspired by debate in Portland about allowing noncitizens to vote in city elections, did not submit enough valid signatures.

Ballot initiative seeks to block noncitizens from polls

A petition drive to force a statewide referendum on whether noncitizens should be allowed to vote in local elections has failed to garner enough signatures to qualify for the ballot, according to state elections officials.

After failing to win legislative support for a constitutional amendment in 2019, a Republican lawmaker from Hancock County had proposed a ballot initiative seeking to prohibit noncitizens from participating in municipal elections.

The campaign was inspired by a debate in Portland in 2018 about whether legal noncitizens should be allowed to vote in City Council, school board or other city elections.

But proponents of the ballot initiative fell well short of the number of valid signatures need to trigger a statewide vote this November, despite receiving more than \$350,000 from an out-of-state political group, the Liberty Initiative Fund.

Maine Secretary of State Shenna Bellows said Monday that "An Act to Clarify the Eligibility of Voters" submitted 41,075 valid signatures, which was 21,992 fewer than the 63,067 signatures of registered Maine voters needed to qualify for the ballot.

Bellows' office said that during the petition-certification process, the elections division found that 25,323 signatures were not valid.

Nearly half of those invalidated signatures were not certified by local voter registrars as being from registered voters in those communities, while more than 8,200 signatures were tossed because the petition circulator had not signed a circulator's affidavit.

The primary proponent of the ballot campaign, Republican Rep. Billy Bob Faulkingham of Winter Harbor, said he was still reviewing Bellows' decision but will continue "pushing all avenues on this issue."

"Honestly, I think local elections affect your daily life more than bigger elections do, so I think it's important that only U.S. citizens should be able to vote," Faulkingham said Monday afternoon.

The Republican had also introduced a constitutional amendment proposal to prohibit noncitizen voting during the 2021 legislative session, but it was rejected by the Democrat-controlled House and Senate earlier this month.

Meagan Sway, policy director at the ACLU of Maine, described the ballot initiative as an effort to capitalize on anti-immigrant sentiments.

"There is no room for that kind of animosity here," Sway said. "Maine has been a leader on voting rights, and our focus should be on continuing to expand access to the ballot box. We hope the Legislature and voters continue to reject xenophobic appeals to restrict voting rights."

The ballot initiative campaign was largely financed by one individual, Richard Uihlein, a mega-donor from Wisconsin who, along with his wife, was dubbed by The New York Times as "the most powerful conservative couple you've never heard of."

Uihlein contributed \$300,000 to the Liberty Initiative Fund — Maine, which worked with We the People PAC and other groups to wage the signature-gathering campaign. Faulkingham is treasurer of the We the People PAC.

The issue of noncitizen voting became a political flashpoint in 2018 when then-Mayor Ethan Strimling of Portland and City Councilor Pious Ali proposed allowing legal non-citizens to cast ballots in city elections. The proposal was eventually shelved after it was clear that supporters lacked the votes on the City Council.

Yet there is also disagreement over whether Portland or any other Maine municipality could allow noncitizens to vote — and, therefore, whether Faulkingham's efforts to block such a move are even necessary.

Attorney General Aaron Frey testified against Faulkingham's proposed constitutional amendments in both 2019 and earlier this year, arguing that Maine statutes already explicitly specify that a person "must be a citizen of the United States" to vote in elections in the state.

"This means that municipalities are not currently able to adopt ordinances to allow noncitizens to vote in municipal elections," Frey said in written testimony to the Legislature's Veterans and Legal Affairs Committee.

The Maine Municipal Association, the ACLU of Maine and Maine Conservation Voters also opposed the constitutional amendment this year. The measure was rejected by the Democratic-controlled House and Senate earlier this month.

But while the signature-gathering effort may have fallen short, the ballot initiative campaign could still have a broader and more lasting impact on Maine's referendum process.

Faulkingham, along with the We the People PAC, the Liberty Initiative Fund and a professional petition circulator from Michigan, had filed suit against the Maine secretary of state on Dec. 31 as the deadline approached to file petition signatures.

The groups challenged Maine's requirements that petition circulators be residents and registered voters in the state, or that Maine residents witness any signatures gathered by out-of-state circulators.

With their window for gathering signatures narrowing, the plaintiffs claimed in their court filings that 135 professional petition circulators from other states were available to help with the final signature-gathering push as long as they did not need in-state resident witnesses. Professional petition circulators are often paid by the signature, traveling across the country to work on campaigns.

In a Feb. 16 ruling, U.S. District Court Judge John Woodcock ordered Bellows and her office to suspend enforcement of Maine's residency requirement for petition circulators. Woodcock wrote that the plaintiffs "are likely to succeed on the merits of their constitutional challenge."

"The court appreciates the strong interest the State has in protecting the direct initiative process," Woodcock wrote. "At the same time, petition circulation is core political speech at the heart of the First Amendment.

"On the record before the court, the residency and voter registration requirements act as severe burdens on the plaintiffs' First Amendment rights and are not justified by the state's interests."

The ruling came too late for the campaign waged by Faulkingham and his political allies, however. They had until Feb. 26 to submit all petition sheets to Bellows' office, but first they had to submit them to local election clerks for verification.

In an interview Monday, Faulkingham said the group had to turn in whatever it had on hand.

"Essentially, the clock had run out on us," he said.

Kevin Miller — 207-791-6312

kmiller@pressherald.com

Twitter: @KevinMillerPPH

Load-Date: March 31, 2021