

Minutes of the February 25, 2015, Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: Walter McKee, Esq., Chair; Margaret E. Matheson, Esq.; André G. Duchette, Esq.;
Hon. Richard A. Nass

Absent: Michael T. Healy, Esq.

Staff: Jonathan Wayne, Executive Director; Phyllis Gardiner, Counsel

Commissioner McKee convened the meeting at 9:09 a.m.

The Commission considered the following items:

1. Ratification of Minutes of January 23, 2015 Meeting

Ms. Matheson moved to accept the minutes. Mr. Nass seconded. The motion passed (4-0).

2. Request for Waiver of Late-Filing Penalties – Environment Maine PAC

Mr. Wayne explained that the Environment Maine PAC did not disclose a \$10,000 contribution in a 24-hour report that was due on November 1, 2014. The report was not filed until December 11, 2014. In making its recommendation for a partial waiver of the penalty, the Commission staff took into consideration the facts that the donor organization, NextGen Climate Action Committee – Maine PAC, reported making the contribution to the Environment Maine PAC in a timely-filed 24 hour report and that the Environment Maine PAC was formed only two months prior to the general election. The PAC requested a waiver of the preliminary penalty of \$4,000.

Taryn Hallweaver, the treasurer of the PAC, said that the PAC was newly formed and had not participated in a Maine election before and that she had not been a PAC treasurer before. There was a miscommunication between the donor organization and the PAC regarding the contribution. The PAC had expected the contribution to be made by check; however, the contribution was made by wire transfer instead. The PAC was not aware it had received the

contribution until it was preparing to file its post-election report. In response to a question from Mr. McKee, Ms. Hallweaver said that the PAC would be more diligent in checking the PAC's account during the 24-hour reporting period to make sure that any large contributions were reported timely.

Ms. Matheson moved that the Commission accept the staff recommendation and grant a partial waiver and reduce the penalty to \$500. Mr. Nass seconded. The motion passed (4-0).

3. Request for Waiver of Late-Filing Penalties – Maine Republican Party

Mr. Wayne said the Maine Republican Party did not file five 24-hour reports for large expenditures (totaling \$124,000) on time. The Party had contracted with a Boston-based company, Red Curve, to prepare campaign finance reports for filing using the Party's accounting database. The Party's explanation for the late-filings was that, as a result of an administrative error, the expenditures had been entered into the database in such a way that a reporting requirement was not triggered in the Commission's electronic filing system.

Jason Savage, the Party's executive director, and Benjamin Lombard, the Party's treasurer, appeared before the Commission on behalf of the Party. Mr. Lombard said that he agreed with the staff recommendation and that the Party would take additional steps to be more aware of the payments made by the vendor. Mr. Savage said the Party would review the procedures with the vendor to ensure that expenditures are properly coded so that a 24-hour report will be filed if an expenditure met the requirements.

Mr. Duchette moved that the Commission accept the staff recommendation and grant a partial waiver and reduce the penalty to \$5,000. Mr. Nass seconded. The motion passed (4-0).

4. Adoption of Proposed Changes to Commission Rules

The Commissioners discussed the proposed rule regarding the use of a publicly-owned vehicle by a public official for campaign purposes. The Commissioners and Counsel proposed a slight change to clarify that the rule only applies to the cost of the use of the vehicle itself (*i.e.*, mileage), not to a driver or security detail provided to the public official. Commission Counsel

also recommended that the basis statement include an explanation that the proposed rule only applies to the cost of the use of the vehicle, not to the cost of staff, contractors or a security detail assigned to the public official.

Ms. Matheson stated that she supports the other proposed rule changes but that she still had concerns about the rule regarding a public official's use of publicly-owned vehicle.

Mr. McKee moved that the Commission finally adopt the proposed changes to the Commission's rules as amended. Mr. Duchette seconded. The motion passed (3-1, Ms. Matheson opposed).

5. Proposed Changes to Maine Clean Election Act Expenditure Guidelines

The Commission staff recommended changes to the expenditure guidelines for Maine Clean Election Act candidates. The proposed changes are intended to provide MCEA candidates with more clarity regarding the purchase of promotional items (*e.g.*, campaign apparel and other small items) and to assure the public that MCEA funds are not being spent in frivolous and wasteful ways. The Commissioners discussed the proposed changes to the MCEA expenditure guidelines and found the new section on promotional items acceptable.

Mr. McKee moved that the Commission adopt the proposed changes to the expenditure guidelines. Mr. Nass seconded. The motion passed (4-0).

Mr. Duchette made a motion, seconded by Mr. Nass, to adjourn. The motion passed. The meeting adjourned at 10:10 a.m.

Respectfully submitted,

/s/ Jonathan Wayne

Jonathan Wayne, Executive Director