

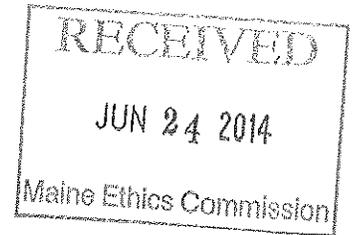
Additional Materials  
Agenda Item #7  
June 25, 2014

To: Jonathan Wayne – Executive Director – State of Maine Ethics Commission  
Maine Ethics Commissioners

From: Steve Woods

Date: June 24, 2014

Subject: Supplemental Information for the Maine Ethics Commission



Jonathan,

Thank you for sending along your overview of my complaint with the Commission. Being respectful of your time and the Commissioner's time, I want to add some additional measure of detail and clarity to your report in advance of tomorrow's (Wednesday, June 25<sup>th</sup>) hearing.

Firstly, I understand that the State of Maine Ethics Commission must make a singular determination before even weighing the specific allegations of my complaint; does this matter fall under the jurisdiction of the Commission?

I believe unequivocally that the answer to that question is "yes." (Here are a few of the reasons.)

- 1) **Senator Justin Alford** is a current member of the Maine State Legislature, currently serving as Senate President and his direct and active involvement in this matter qualifies this review and hearing by the Commission. (Documents clearly reveal that Pam Fenrich's numerous "unethical" and "illegal" actions on behalf of candidate Cathy Breen were conveyed to Senator Alford as of March 4th, 2014, when Maine Democratic Party Chairman, Ben Grant, wrote, "*As I told you on several occasions, I confer with Sen. Alford on any issues relating to State Senate races.*" This and many other documents & statements will establish that Senator Alford was very much involved in this matter for many months – and as such, it meets your jurisdictional requirement. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that Sen. Justin Alford played a significant and material role in the outcome of the SD#25 2014 election.
  
- 2) **Campaign Finance**. While it is true that the Commission on Governmental Ethics and Election Practices has a primary focus on matters that involve "finance," monetary actions, and public reporting, the charter and greater public policy interests, all go beyond simple math, numeric metrics, and banking. The legal principle that's central to Maine Law and established legal case law is "value" – which often is represented in financial instruments, goods, services, and intrinsic "benefit" derived from one's deliberate action(s). In this case, I believe that the Cathy Breen campaign received direct and significant financial/value/services "benefits" from coordinated efforts under the control of the campaign. To limit your recommendation, or for the Commission to rule on this matter, based upon the narrow standard of "expenditure of funds" would be myopic and contrary to established Federal Law. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that the Breen campaign directly benefited in a significant and material manner from the coordinated actions by Pam

Fenrich, and others – and those “actions” equated to thousands-of-dollars in value to the Breen campaign that was not reported.

- 3) **Advertising (part a).** It is most common in the political realm to assign “value” and expenditures to what is commonly referred to as “measured media” (i.e. print, radio, television, etc.) It is also commonly accepted that “advertising” is a vital element in political campaigns. In the course of an investigation by the Maine Ethics Commission, I intend to present evidence showing that the Breen campaign directly benefited in a significant and material manner from various “advertising” elements produced and exported by Pam Fenrich, and others – and that those “advertising elements” equated to thousands-of-dollars in value to the Breen campaign that was not reported. One example; Pam Fenrich admits to sending out email messages to various targeted recipients (likely democratic primary voters) on June 5, 2014, 9:59am with the headline of, “Please forward to your friends and neighbors.” This **cannot** be construed to be a “personal message” from Fenrich – or a personal “endorsement” by Fenrich – in that it represented an existing formatted message (supposedly from the “Falmouth Democratic Committee”) that was allegedly blindly forwarded by Fenrich with no modification or personalization from Fenrich herself - the very definition of “***advertising.***” By forwarding a pre-existing message – Fenrich became the advertising vehicle – not a passive supporter – an “action” that equated to thousands-of-dollars in value to the Breen campaign that was not reported.
- 4) **Advertising (part b).** On June 10<sup>th</sup>, the Breen campaign knowingly broke Maine election law (Maine Statute, Title 21-A, Section 681 – Chapter 9: Conduct of Elections and Subchapter 2: Election Procedure and Article 4: Restrictions) - through the repeated use of family members, friends, Pam Fenrich and others – to serve as “advertising” surrogates during the actual election at multiple voting places (Yarmouth, Cumberland, Gray, Falmouth, etc.)

In the course of an investigation by the Maine Ethics Commission, I will provide evidence, supported by my own direct observations, observations by my campaign staff, observations by other candidates, and finally, as witnessed by Falmouth, Town Clerk & election Registrar, Ms. Ellen M. Planer.

On Election Day, Tuesday, June 10, 2014, candidate Cathy Breen dispatched a number of family members, friends and supporters to various “Voting Places” to actively “advertise” her candidacy to voters as they were entering the various voting location in SD#25. What each of these surrogates said was along the lines of; “Hi...I’m Cathy Breen’s husband...” Or “Hi...I’m Cathy Breen’s daughter...” These interactions/conversations occurred throughout the entire Election Day – sometimes with Breen present – sometimes not. In addition, Breen campaign staff/supporters, Bonny Rodden and Pam Fenrich, also spent time engaging voters as they were entering the various voting places.

Maine law is very clear and detailed in this regard. The core principle of election law is to eliminate outside “influence” during the voting process and to allow all voters unfettered access

to the voting place. In regard to allowed "Political Activities," the law is specific to "candidates" and candidates only in terms of what detailed voter engagement is allowed and legal.

*"These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote."*

Nowhere in the statute are family members, friends of surrogates mentioned as having any rights to engage voters – as it is intentionally written for "candidates" only – with ALL others exempt from ANY role in the process. (For anyone to suggest that the absence of language addressing non-candidates in relation to them affirmatively participating in voter engagement on election day -- would be absurd and illogical. Such an argument would then support & allow campaigns from enlisting or hiring hundreds of supporters to show up on election day to "engage" voters.)

Election law is deliberately prescriptive and rigid in regard to candidate messaging at the polling place (no campaign materials, no discussion of office being pursued, etc.) The principle for such vigilant election control is to insure that voters are not confronted with uncomfortable interactions or information within minutes & feet – from actually voting.

In my case, election law precluded me from wearing a single, simple 2-inch lapel button that said "Steve Woods for State Senate" – but Cathy Breen was allowed to have a living/breathing 5'8" campaign message in the form of Pam Fenrich standing right next to her as voters entered the polling place. Also, Breen was allowed to have thousands of interactions from her family members with voters? (i.e. direct advertising) Both of those deliberate actions by the Breen campaign represent material and significant violations of election law as they clearly were committed with the willful intent to circumvent this passage, "*...as long as the candidate does not attempt to influence their vote...*" (If not to "influence" a vote(s) – than why even employ family members and Fenrich to engage voters on Election Day? Obviously, that was the sole "intent" and expectation.)

It's well established that "symbols" are recognized as elements of communication. And the symbol of Pam Fenrich (a non-candidate for anything herself) standing next to Breen at the polling place was clearly a message to many voters, "Hi, I'm Pam Fenrich, Vice Chair of the Maine Democratic Party, Chair of the Falmouth Democratic Committee, well known as an iconic democratic activist in Falmouth and throughout Maine – standing next to candidate Breen within inches of the doorway leading into the voting booths – within days of having just sent out an email communication aggressively supporting Breen" – is a clear and compelling message. (When a well-known professional athlete is viewed holding a Gatorade – it's "advertising" even without any additional messaging, based simply on proximity. Same with Fenrich deliberately standing next to Breen.)

In fact, such "advertising" (Paragraph 3) is explicitly identified as a Class E "crime." (It is well established case law and brand marketing practice that merely mentioning "Cathy Breen" can

and should be considering "advertising" under the statute – even in the absence of a more detailed message, such as "Vote for Cathy Breen." Just the mention of "Cathy Breen" by anyone other than a candidate himself/herself is advertising by any standard – and when it occurred a few minutes before voting – and few feet from the voting booths – it had a material and deliberate effect that was premeditated and intentional. (Just as a Coca-Cola sign is an effective "advertising" element in front of a store.)

It is my position that this is clear violation of Maine election law, which only (and appropriately) gives limited provisions for "candidates" themselves to greet voters. The absence of "family members" in the statute can only be viewed as an intentional element of the law. Otherwise, candidates with large families (20-30 members) would be at a distinct advantage over a candidate with a small family or, no family.

I've been an advertising/marketing executive for more than 30-years and I know first-hand that brand/name recall is critically important in all purchase/voting situations – especially when they occur within minutes and feet from the decision.

In the case of the recent election here in State Senate #25, the Breen campaign had an unfair advantage as they were allowed to openly break election law in a manner that impacted the election results. Now, given that thousands of Breen family interactions were all in violation of Maine election law – and it can only be reasonably concluded that this violation was committed intentionally and in itself, this in itself should call into question the results of the June 10<sup>th</sup> election.

The statute calls for the penalty (Class E crime) of up to six months of incarceration and \$1,000 fine per occurrence. It should be noted that yesterday, I asked Julie Flynn, Deputy Secretary of State, to investigate this claim through the Bureau of Elections – and to delay certification of SD#25 results pending such investigation.

- 5) **Undue/Illegal Influence by Pam Fenrich.** My first interaction with Pam Fenrich occurred on February 12, 2013. I met with Fenrich in her role as Vice-Chair Maine Democratic Party – a meeting in which Fenrich berated me for my early consideration to participate the 2014 Gubernatorial Democratic primary. In that meeting, and in multiple other meetings with Ben Grant (MDP-Chair) I was openly told that the Democratic Party would actively block any Democrat wanting to run in the 2014 primary until after Mike Michaud or Chellie Pingree, made respective decisions to run or not. This status changed slightly when I was effectively forced to sign a contract (MOU) with the MDP on July 13, 2014, pledging my support for Mike Michaud in exchange for me being allowed by the MDP to campaign – pending Michaud's decision. Since that time, Pam Fenrich has actively used her power and influence as the leader in various political organizations (Maine Democratic Party, Cumberland County Democrats, Falmouth Democratic Committee, etc.) to act with malice towards me personally and politically.

In the course of an investigation by the Maine Ethics Commission, I intend to present clear and compelling evidence showing that the Breen campaign directly and knowingly benefited in a

significant and material manner from the coordinated unethical and illegal actions by Pam Fenrich. Furthermore, those "actions" equated to thousands-of-dollars in value to the Breen campaign that was not reported. And of material fact, most of my allegations against Pam Fenrich (and the Breen campaign) were communicated (written & verbal) to MDP Chairman Ben Grant, and Senate President Justin Alford, on many occasions – with an email sent on March 3, 2014, 4:11pm, being very detailed. Despite my clear request that Senator Alford act upon my complaint on that date – to my knowledge he did nothing.

A few examples:

On 1/28/14 – Pam Fenrich signed a Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (Attachment supplement)

On 1/31/14 – just three-days later, Pam Fenrich signed *another* Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (Attachment supplement)

On both Petitions, "Pamela Fenrich" is the very first signature that appears at the top on "Line 1." One element of the Nomination Petition process is that every potential signatory has the opportunity and benefit of seeing who is already supporting the candidate – and using that knowledge as a material factor for voters and in the acquisition of all subsequent nomination signatures. As a well-known public figure in the political and community realm, Vice Chair "Pamela Fenrich" and her signature in #1 position on each form must be considered a factor for some or all subsequent voters that later signed below her. (It is another clear election violation to have the same person sign two (2) separate Nomination Petitions.)

On March 2, 2014, 2:45pm, I entered the Democratic Caucus at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich (who was "running" this event – as she does virtually all Democratic events in this area) and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last. I reminded Pam that during the most recent Democratic event held (Cumberland County Dems – 1/28 – at Cumberland Town Hall) also organized by Pam – that I went first then – and a more fair sequence yesterday would be to alternate. Pam said, "No – you're going first. You can leave if you don't like it."

I then suggested that we should at least "flip a coin" to determine the speaking order to be fair. Pam said, "No, I'm not changing the order, you're going first" following by just walking away from me in the middle of our discussion. (At that point – Tim Shannon, a Yarmouth delegate, walked up – and I asked him to engage in the discussion.) (It should also be noted that three other people witnessed this exchange – and it was also videotaped.)

When Pam Fenrich returned, I reiterated my point to Pam that both "fairness" and reasonable election protocols supported my request for her to be impartial. Her response, (greatly impacted by the group of people now surrounding us) was "well, let me check with Cathy...."

My response – "Why in the world would you need to check with the other candidate in order to adopt something fair?????" I wasn't asking for any type of benefit or advantage – merely what was fair. A few minutes later, Pam returned with Cathy and all parties agreed to flip a coin to determine speaking order which was ultimately carried out. But, was it anything close to "fair" that it was necessary for me to publically fight with the Democratic Party Vice Chair in the middle of the Falmouth Elementary School cafeteria to achieve what was most reasonable to begin with? And, how was this episode exported to Cathy's supporters in the context of campaign currency?

Apparently, on May 28, 2014, the "Falmouth Democratic Committee" – again – led by Pam Fenrich – met and "voted" to publically endorse Cathy Breen. That vote – and the subsequent email blast (it was an "advertising" action) – is still suspect in regard to legal authority and ethics.

Here and in previous correspondence, I'm asking the Maine Ethics Commission to investigate the following;

-By what legal authority does the "Falmouth Democratic Committee" exist? (Charter, filings, etc.)

-Given that it appears that everyone at the May 28<sup>th</sup> meeting was directly associated with the Breen campaign, who in total attended this "meeting?"

-At what time of day on May 28<sup>th</sup> did this meeting start? End?

-Which members in name – actually "voted" to endorse Breen? Exactly who was at this meeting?

-Was candidate Breen in attendance to any part of this meeting where the "endorsement vote" occurred?

-Given that this meeting was presented as being an official function, where did the meeting take place?

-How was this meeting "noticed" to the public? If it wasn't "noticed" how would my supporters know to attend?

-Was a quorum reached in the vote – and where in the published charter are the quorum requirements?

-What other official "meetings" and votes have been taken by the "Falmouth Democratic Committee" over the last 12-months? Where are those "minutes" and how are those records kept and shared with members and the public?

-Why did Pam Fenrich "recuse" herself as indicated in the "minutes?" For what reason? And, if her reason was to fulfill a directive from the MDP, why then broadcast a destructive email about me – in support of Cathy Breen – just days before the election?

-Does the "Falmouth Democratic Committee" have any recorded revenue or expenditures from the last 12-months? Details?

-Where did the "Falmouth Democratic Committee" attain their email list as referenced below? (Please ask them for a copy of the list used.)

-Who with the "Falmouth Democratic Committee" has access to the contact list used? Did/does anyone associated with the "Falmouth Democratic Committee" have access now (or anytime in the past) to the MDP's "VAN" list of voters – in any part or manner?

-Where did Pam Fenrich receive or acquire her email list that was utilized? (Please ask for a copy of this list.)

I don't believe that the "Falmouth Democratic Committee" meets any reasonable standard for being a legitimate organization. And, it certainly didn't act independent to the Breen campaign – as it appears that everyone in attendance was associated with Breen directly.

- 6) Dishonest/Unethical Communication. Since the start of the Breen campaign, there is a clear and compelling pattern of dishonest and unethical acts that go beyond what has been reviewed herein. Given that some of these acts have been communicated to Senate President Alford and he has taken no action, this is a matter that warrants investigation by the Maine Ethics Commission. Whereas my campaign was focused on a review of my 35-year, career in business and civil service, coupled with my vision for Maine going forward – the Breen campaign message was almost exclusively based upon the collection, amplification, and many times, the complete fabrication – of "endorsements" filtered through Pam Fenrich and her support organization.

One of the more egregious examples, the highly touted and broadly exported, "Mayor Colleen Hilton of Westbrook endorsement – 'Cathy Breen understands that towns in the Greater Portland region need to work together (not compete against each other) to grow our economy and promote economic growth.'" The problem? Mayor Hilton never said or expressed those words – they were written by Cathy Breen herself. Also, Mayor Hilton had never met or even spoken with Cathy Breen. According to Mayor Hilton – who I've actually met – and spoken with – she was approached by someone (Bonny Rodden?) by phone and her "endorsement" was in fact, a misunderstanding.

And there are numerous other examples throughout the Breen "endorsement list" that are gross distortions.

- 7) **Conspiracy by the MDP.** On May 31, 2014, in Bangor, Maine, the Maine Democratic Party held its state convention – an event that I attended as an elected official (Chairman-Yarmouth Town Council), State Senate candidate, and as an official delegate. On that day, as part of the "official" activities of the MDP, each of the 16 counties gathered in separate break-out sessions. I attended the Cumberland County session, which was attended by approx. 100-150 people – all presumed to be residents/voters/delegates from Cumberland County. As an agenda item during that meeting, Cumberland County, Chairwoman, Rachel Hendrickson, went to great lengths to praise Pam Fenrich in regard to her "system" to help "good democrats" to get elected. Rachel went on to give some case study examples of how Pam Fenrich helps various candidates. Rachel then suggested that any candidate that wants to win an election that they take one of Pam Fenrich's "seminars."

The "conspiracy" standard is met in a number of areas. Most recently when I asked Ben Grant, Chairman of the Maine Democratic Party (email on June 9, 2014, 5:49pm) to provide assistance in regard to understanding the actions and validity of the "Falmouth Democratic Committee", he effectively refused to assist me with obtaining the requested information, instead he suggested I ask John Brautigam (Breen's Campaign Treasurer) for any details.

Back on January 21, 2014, 10:50pm, I received an email from Marc Malon (MDP- Senate Caucus Director) assuring me that the MDP would ".be neutral.." in regard to my primary race with Breen. Malon also wrote, "The Democratic voters of SD-25 should have the final say on who it shall be" referencing the primary race. The email also included a list of seven things that the MDP would and wouldn't do; #7: "We will not provide your (sp) or your opponent with strategic advice on how to win the primary." (Which is exactly what the MDP did, primarily through the actions of MDP Vice-Chair Pam Fenrich.)

In the course of an investigation by the Maine Ethics Commission, I intend to present additional evidence showing that the Breen campaign directly benefited in a significant and material manner from the coordinated actions by Pam Fenrich, the Cumberland County Democrats, the Falmouth Democratic Committee – and that those "actions" were predatory in nature and as such, were unconstitutional. A reality that one of Maine's highest elected officials, Senate President Justin Alford, had direct knowledge of, as he made the conscious and deliberative decision to not take reasonable action. In addition, those actions equated to thousands-of-dollars in value to the Breen campaign that was not reported.

- 8) **Summary.** It cannot be argued that Pam Fenrich was merely a "supporter" of Cathy Breen when in fact, she played a central and critical role in the entire campaign – and by direct association so did Senator Justin Alford, and the Maine Democratic Party.

And in no way can Fenrich claim innocence in regard to various claims and allegations being made based upon a lack of political understanding. (Further supported by her campaign "sessions" as described at the State Convention)

Also, for many, many years (decades?), Fenrich has played leadership roles in many organized democratic groups;

- Current vice -Chair of Maine Democratic Party
- Current Chair of Falmouth Democratic Committee
- Past Vice President – Cumberland County Democrats
- Past Chair of Dem Corps

It is not hyperbole to say that Pam Fenrich might be one of the most politically experienced and astute "operatives" here in Maine. I do not believe that individually anything suggested in this report happened by accident – and I certainly do not believe that it ALL happened by happenstance. The "Falmouth Democratic Committee" just happened to get together the week prior to the election to endorse Cathy Breen – a meeting led by Pam Fenrich – and attended by only Breen supporters and staff???

Fenrich, Breen, the Maine Democratic Party, and Senator Justin Alford all played deliberate and willful roles in the 2014 State Senate District #25 election. Based upon currently known facts and information in regard to Maine State Senate candidate, Cathy Breen, her campaign staff, Maine Democratic Party Chairman, Ben Grant, and various MDP staff, what happened during the 2014 SD#25 campaign period and during the election process in itself, went way, way beyond "politics" and clearly represented both unethical behavior and acts, along with what I believe will be proven as illegal acts too.

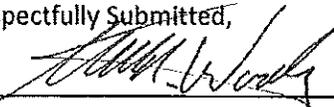
What I have provided here are just a few of the occurrences where Pam Fenrich planned and functioned as a key leader in the Breen campaign – with the full knowledge and engagement of Breen herself. As I am actively collecting many more facts – and other supporting documents and affidavits, I fully expect that what has been uncovered to date, is but the tip of the iceberg.

But, I need the help and support of the Maine Ethics Commission. I realize that your jurisdictional mandate is limited in scope, but somewhere within these pages I am hopeful that you will find the basis to approve a full and complete investigation. Many (most?) voters have lost faith in our government and many people are avoiding civic engagement because they feel helpless to impact change or improvements to our election process.

Today. Here. Now. I am respectfully asking you to vote your approval for Jonathan Wayne, and his staff at the Commission on Governmental Ethics, to launch a full and thorough investigation of what is contained herein this "Supplemental Report."

Thank you.

Respectfully Submitted,



Stephen M. Woods

6/24/14

Date

To: Jonathan Wayne – Executive Director – State of Maine Ethics Commission  
Maine Ethics Commissioners

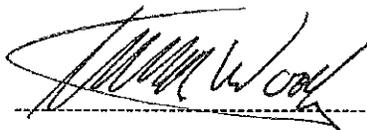
From: Steve Woods

Date: June 24, 2014

Subject: Supplemental “Attachments” for the Maine Ethics Commission

By Chronology:

- 1) Emails and MOU pertaining to Gubernatorial (6/25/13, 7/13/13 and 7/12/13)
- 2) Email from MDP- Marc Malon promising “neutrality” (1/21/14)
- 3) Breen Petition Forms (1/28/14 and 1/31/14)
- 4) Email from me to Ben Grant & Justin Alford – Fenrich Complaint (3/3/14)
- 5) Response email from Ben Grant (3/4/14)
- 6) Maine Election Statue (681) that covers “Political Activities”
- 7) Election Complaint to Julie Flynn (6/23/14)
- 8) FOAA Request – Senate President Justin Alford (6/24/14)



Stephen M. Woods

6/24/14

Date



STATE OF MAINE  
PRIMARY NOMINATION PETITION

June 10, 2014 Primary Election  
Democratic Party

FALMOUTH

39

RECEIVED FILED  
With Secretary of State  
2014 FEB -6 AM 11:29  
OFFICE OF  
THE SECRETARY OF STATE

Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements for listing candidates' names on the ballot.)

BREEN Catherine  
(Last name and suffix, if any) (First name) (Middle name or initial)  
Office: State Senate Electoral Division: District 25 Term: NA  
(Title of Office - For Example: Representative to the Legislature) (Name of Electoral Division - For Example: District #1) (See Title 21-A, §335 (1) (A))

Voting Residence Address of Candidate 15 Falmouth Ridges Drive Falmouth, 04105  
(Street Address - not P.O. Box) (City, Town, or Plantation; Zip Code)

Mailing Address of Candidate (if different from above):

Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.  
Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., March 17, 2014

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
1	<i>[Signature]</i>	1/28/14	3 FOX HALL ROAD	FALMOUTH	<i>[Signature]</i>
2	<i>[Signature]</i>	1/28/14	3 FOX HALL ROAD	FALMOUTH	ALLEN D EVANS
3	<i>[Signature]</i>	1/28/14	10 Shoreline Dr.	Falmouth	Bonita B. Redden
4	<i>[Signature]</i>	1/28/14	4 AVON RD.	Falmouth	LISA MARRUSHANSKI
5	<i>[Signature]</i>	1/28/14	3 FOX HALL RD	Falmouth	ALLEN D EVANS
6	<i>[Signature]</i>	1/29/14	304 Middle Rd	Falmouth	Stephen Bloom
7	<i>[Signature]</i>	1/28/14	4 Avon Road	Falmouth	Alex Agnew
8	<i>[Signature]</i>	1/28/14	55 Hurwain Rd	Cumbyville	Jennifer Crossin
9	<i>[Signature]</i>	1/29/14	17 WOODVILLE RD	Falmouth	Anne DiStefano
10	<i>[Signature]</i>	1/29/14	93 WILLET RD	Falmouth	Jessica Marie Co
11	<i>[Signature]</i>	1/29/14	17 marston st	Falmouth	Cathy Skudella
12	<i>[Signature]</i>	1/29/14	27 Hill Road	Charlestown	Katharina Frost
13	<i>[Signature]</i>	1-27-14	89 Mountain Rd	Falmouth	E. Hooper
14	<i>[Signature]</i>	1/29/14	4 Haylake Cr	Falmouth	Scott Lydick
15	<i>[Signature]</i>	1-30-14	15 FORTSIDE RD.	Falmouth	Mavis Matson
16	<i>[Signature]</i>	1/30/14	16 Mountain Rd	Falmouth	Linda J. Dyl
17	<i>[Signature]</i>	1/30/14	16 Mountain Rd	Falmouth	Stephen Dyer
18	<i>[Signature]</i>	1/30/14	7 Mabel Way	Falmouth	Tina Baker
19	<i>[Signature]</i>	1/30/14	205 Mountain Rd	Falmouth	Sue Berdnis
20	<i>[Signature]</i>	1/30/14	4 KIRST HILLS	Falmouth	JOE TAPLEY
21	<i>[Signature]</i>	1/30/14	6 Bowdoin Dr Falmouth	Falmouth	Louise Tamara
22	<i>[Signature]</i>	1/30/14	309 FORESIDE ROAD	Falmouth	James Parker
23	<i>[Signature]</i>	1/30/14	21 KERRICK LN	Falmouth	Carly Hoffman
24	<i>[Signature]</i>	1/30/14	14 BOWDOIN DR	Falmouth	STEPHEN CHASE
25	<i>[Signature]</i>	1/30/14	2 SPRUCE LAKE	Falmouth	
26	<i>[Signature]</i>	1/30/14	4 SHAWM DRIVE	Falmouth	ULA BILSKY
27	<i>[Signature]</i>	1-30-14	7 OAKLAND ROAD	Falmouth	KAREN T. KIRK
28	<i>[Signature]</i>	1-30-14	9 Aster	Falmouth	Denise Reid
29	<i>[Signature]</i>	1-30-14	45 Twin Ponds Dr	Falmouth	Lisa A. Taberken
30	<i>[Signature]</i>	1-30/14	16 FAYSHAM DR	Falmouth	Rodney Spelman

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
31. ✓	<i>Christine Haslam</i>	1-30-14	65 Locum Drive	Falmouth	Christine Haslam
32. ✓	<i>Michele Hepburn</i>	1-30-14	5 Kilarney Way	Falmouth	Michele Hepburn
33. ✓	<i>Kelly Bernier</i>	1-30-14	21 Pride Lane	Falmouth	Kelly Bernier
34. ✓	<i>Christina McCluskey</i>	1/30/14	4 Braden Drive	Falmouth	Christina McCluskey
35. ✓	<i>Bon Campbell</i>	1/30/14	362 Gray Rd	Falmouth	Bon Campbell
36. ✓	<i>Linda Adams</i>	1/30/14	26 Stonecrest Dr	Falmouth	Linda Adams
37. ✓	<i>Susan Theriault</i>	1/30	77 Falmouth St	Falmouth	Susan Theriault
38. ✓	<i>Lynne Spillane</i>	1/30	6 Inverness Rd	"	Lynne Spillane
39. ✓	<i>Jen Maserve</i>	1/31	14 Avon Rd.	Falmouth	Jen Maserve
40. ✓	<i>Noah Wheathoff</i>	1/31	20 McKinley Rd	Falmouth	Noah Wheathoff
41. ✓	<i>Sarah Stein</i>	1/31	8 Millin Way	Falmouth	Sarah Stein
42. ✓	<i>Colleen O'Connor</i>	2/1	18 Phillips Rd	Falmouth	Colleen O'Connor
43. ✓	<i>John Flumerfelt</i>	2/1	14 Phillips Rd	Falmouth	John Flumerfelt
44. ✓	<i>Cynthia Jean Taylor</i>	2/1	14 Phillips Rd	Falmouth	Cynthia Jean Taylor
45. ✓	<i>Stephanie Taylor</i>	2/1	13 Whiting Rd	Falmouth	Stephanie Taylor
46. ✓	<i>Cecelia L. Cierpich</i>	2-2-14	17 Whiting Rd	Falmouth	Cecelia L. Cierpich
47. ✓	<i>Robert Wright</i>	2-2-14	20 Shoreline Rd.	Falmouth	Robert Wright
48. ✓	<i>Richard D. Wright</i>	2/1/14	20 Shoreline DR	FALMOUTH	RICHARD D. WRIGHT
49. ✓	<i>Deborah Mues</i>	2/2/14	44 Shoreline DR.	FALMOUTH	DEBORAH MUES
50. ✓	<i>Margaret Macdonald</i>	2/2/14	10 Winslow Rd	FALMOUTH	MARGARET MACDONALD

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**Circulator's Oath**

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is enrolled in the party named on this petition, and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator Lisa Markushewski

Printed Name of Circulator LISA MARKUSHEWSKI

Signature of Notary Ellen Planer

Printed Name of Notary Ellen Planer

Ellen Planer  
NOTARY PUBLIC, MAINE  
My Commission Expires March 22, 2020

Subscribed to and sworn before me on this date: Feb 3, 2014  
(Date must be completed by Notary)

Date my Notary Commission expires: \_\_\_\_\_

**Registrar's Certification**

Municipality Falmouth TOTAL VALID 30 TOTAL INVALID 18

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition, and are enrolled in the Democratic Party.

DATE & TIME PETITION RECEIVED:  
9:30  
Feb 3, 2014

Signature of Registrar: Ellen Planer

Date petition certified: 2/3/2014

**Certification of Candidate Enrollment**

(To be completed by the Registrar in the candidate's municipality of residence on one petition form.)

I hereby certify that, \_\_\_\_\_ is enrolled in the \_\_\_\_\_ Party as of this date, and has not filed an application to change enrollment on or after January 1, 2014.

(Name of Candidate as it appears on municipality's voting list)

(Signature of Registrar/Municipal Clerk)

(Date)

(Name of Town, City or Plantation)

The candidate must also file the *State of Maine Candidate's Consent* for the June 10, 2014 Primary Election by **March 17, 2014**.



**STATE OF MAINE**  
**PRIMARY NOMINATION PETITION**  
 June 10, 2014 Primary Election  
 \_\_\_\_\_ Party

**DATE FILED**  
**RECEIVED**  
 2014 FEB -6 AM 11:28  
 OFFICE OF  
 THE SECRETARY OF STATE

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Legal name of candidate as it will appear on the ballot: (See Title 21-A, §601(2)(H) for requirements for listing candidates' names on the ballot.)

Breen Catherine E.  
(Last name and suffix, if any) (First name) (Middle name or initial)

Office: State Senate Electoral Division: 25 Term: N/A  
(Title of Office - For Example: Representative to the Legislature) (Name of Electoral Division - For Example: District #1) (See Title 21-A, §335 (1)(A))

Voting Residence Address of Candidate: 15 Falmouth Ridges Dr. Falmouth, ME 04105  
(Street Address - not P.O. Box) (City, Town, or Plantation, Zip Code)

Mailing Address of Candidate (if different from above): \_\_\_\_\_

*Petition must be submitted to municipal registrar for certification prior to filing with Secretary of State.  
 Deadline for filing petitions and Candidate's Consent with Secretary of State: 5 p.m., March 17, 2014*

Note: All petition signatures must be made personally by the voter in the presence of the circulator, except that a voter who is physically unable to sign the petition and who is registered to vote as provided in 21-A MRSA §153-A, may direct another Maine registered voter to sign the petition in the voter's presence. The individual assisting the voter who is physically unable to sign, must sign the voter's name on one line and then sign the individual's own name on another line and attest that the individual is signing on the voter's behalf. The assistant must complete the rest of the information on both lines (for the voter and the assistant). For more information on this process, contact the Division of Elections at (207) 624-7650.

For Registrar use only	SIGNATURE OF VOTER <small>(Not Printed Name)</small>	DATE SIGNED	ACTUAL STREET ADDRESS <small>(Not P.O. Box)</small>	MUNICIPALITY <small>(Where Registered)</small>	PRINTED NAME OF VOTER
1. ✓	<i>[Signature]</i>	1/31/14	3 FOX HALL ROAD	FALMOUTH	HAMELA FENEKHA
2. ✓	<i>[Signature]</i>	1-31-14	1 KNIGHT HILL RD	FALMOUTH	John Breault/Geau
3. ✓	<i>[Signature]</i>	4/31/14	1 KNIGHT HILL RD	FALMOUTH	Corey Haswell
4. ✓	<i>[Signature]</i>	1/31/14	15 FALMOUTH RIDGES DR.	FALMOUTH	EMMA B. GELLER
5. ✓	<i>[Signature]</i>	1/31/14	15 FALMOUTH RIDGES DR.	FALMOUTH	Jay S. Geller
6. ✓	<i>[Signature]</i>	2/1/14	7 KNIGHT HILL RD	FALMOUTH	Aden Shapiro
7. ✓	<i>[Signature]</i>	2/1/14	165 FALMOUTH RD.	FALMOUTH	KORR E. KLEBS
8. ✓	<i>[Signature]</i>	2/1/14	165 FALMOUTH ROAD	FALMOUTH	ELIZABETH B.S. KLEBE
9.					
10.					
11.					
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30.					

For Registrar use only	SIGNATURE OF VOTER (Not Printed Name)	DATE SIGNED	ACTUAL STREET ADDRESS (Not P.O. Box)	MUNICIPALITY (Where Registered)	PRINTED NAME OF VOTER
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					
46.					
47.					
48.					
49.					
50.					

3d

**Circulator's Oath**

I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be, and each person is enrolled in the party named on this petition, and is a resident of the electoral division named in the petition. If any voter was unable to sign due to a physical disability, I hereby verify, that the voter authorized another voter to sign at the voter's direction and in the voter's presence.

Signature of Circulator Catherine Breen

Printed Name of Circulator Catherine Breen

Signature of Notary Ellen Planer

Printed Name of Notary Ellen Planer

Ellen Planer  
NOTARY PUBLIC, MAINE  
My Commission Expires March 22, 2010

Subscribed to and sworn before me on this date: Feb 3, 2014  
(Date must be completed by Notary)

Date my Notary Commission expires: \_\_\_\_\_

**Registrar's Certification**

Municipality Falmouth TOTAL VALID 7 TOTAL INVALID 1

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as registered voters in this municipality, in the electoral division named in the petition, and are enrolled in the Democratic Party.

DATE & TIME PETITION RECEIVED:  
11:00  
2-3-2014

Signature of Registrar: Ellen Planer

Date petition certified: Feb 3, 2014

**Certification of Candidate Enrollment**

(To be completed by the Registrar in the candidate's municipality of residence on one petition form.)

I hereby certify that, \_\_\_\_\_ is enrolled in the \_\_\_\_\_ Party as of this

(Name of Candidate as it appears on municipality's voting list)

date, and has not filed an application to change enrollment on or after January 1, 2014.

(Signature of Registrar/Municipal Clerk)

(Date)

(Name of Town, City or Plantation)

The candidate must also file the *State of Maine Candidate's Consent* for the June 10, 2014 Primary Election by March 17, 2014.

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**Steve Woods**

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**From:** Steve Woods  
**Sent:** Monday, March 03, 2014 4:12 PM  
**To:** Ben Grant (bgrant@mainedems.org)  
**Cc:** Steve Woods; Justin Alford [REDACTED]  
**Subject:** Pam Fenrich Formal Complaint  
**Attachments:** Cathy Breen CB.pdf; Cathy Breen LM.pdf

Ben,

I'm writing to you as our state Chairman of the Democratic Party with a formal complaint against Vice-Chair Pam Fenrich.

Since my very first interaction with Ms. Fenrich last year she has been insulting, disrespectful, and yesterday, blatantly unethical. Because details matter, let me start by recreating what happened yesterday – almost precisely verbatim. (Two folks witnessed this exchange in totality and Tim Shannon – Yarmouth Dem Chair – was witness to most of it.)

-At approx. 2:45pm yesterday I entered the Democratic Caucus room at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last.

-I reminded Pam that during the most recent Democratic event held (Cumberland County Dems – 1/28 – at Cumberland Town Hall) also organized by Pam – that I went first then – and a more fair sequence yesterday would be to alternate. Pam said, "no – you're going first."

-I then suggested that we should at least "flip a coin" to determine the speaking order to be fair. Pam said, "no, I'm not changing the order, you're going first" following by just walking away from me in the middle of our discussion. (At that point – Tim Shannon walked up.)

-I reiterated my point to Pam that both "fairness" and reasonable election protocols supported my request for her to be impartial. Her response, "well, let me check with Cathy...."

-My response – "Why in the world would you need to check with the other candidate in order to adopt something fair?????" I wasn't asking for any type of benefit or advantage – merely what was fair.

-Pam walked away.

-A few minutes later, Pam returned with Cathy and all parties agreed to flip a coin to determine speaking order which was ultimately carried out. But, was it anything close to "fair" that it was necessary for me to publically fight with the Democratic Party Vice Chair in the middle of the Falmouth Elementary School cafeteria to achieve what was most reasonable to begin with? And, how was this episode exported to Cathy's supporters in the context of campaign currency?

-When Cathy Breen spoke to the Caucus, Pam broke protocol and allowed Cathy to speak for 7-minutes/52-seconds. Why?

**MY ISSUE(S):**

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-Pam Fenrich is openly hostile with malice towards me and my campaign while at the same time actively assisting Cathy Breen and her campaign. While the above details support a set of facts, it's as much her attitude and palpable disrespect that is most concerning. Why would a party leader walk away from a State Senate Candidate in the middle of him (me) making a valid and important point? What possible rationale would exist for her needing to "check with Cathy?"

-On 1/28/14 – Pam Fenrich signed a Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (attached)

-On 1/31/14 – just three-days later, Pam Fenrich signed *another* Primary Nomination Petition for Cathy Breen that was later filed and certified by our Secretary of State. (attached.)

-In regard to the duplicate Petition signatures, given that Cathy Breen was/is comfortably over the statutory number of signatures, Pam's extra signature might not have a material impact. But, shouldn't the "Vice Chair" of the State's Democratic Party know better? Three days apart?

-Pam allowing Cathy Breen to go way over the 5-minute speaking limit in itself is not a huge issue – but it's relevant in regard to what is now a clear pattern.

Ben, as you and I discussed more than a month ago, I'm excited to run for State Senate representing District #25 as a proud and supportive Democrat. I'm thrilled to campaign in Cumberland, Gray, Yarmouth, portion of Westbrook, Chebeague Island and Long Island. But, Falmouth is something different. While it's a great town where I am proud to operate my business, it's a political environment that is often marked with divisive and contentious campaigning – something that has already started. Now what was a challenging situation has become impossible with the State Democratic Vice Chair actively working against me.

Any pretense or suggestion that Pam Fenrich is impartial in her role as Vice Chair of the Democratic Party can no longer be supported by facts or reasonable judgment. If in a public setting, at the most visible Democratic event prior to the June 10<sup>th</sup> Primary, Pam Fenrich is openly hostile to me – isn't it reasonable to assume that what is being said/done behind the scenes is much more damaging?

Remedies:

- 1) I am requesting that Pam Fenrich, Vice Chair of the Democratic Party, immediately contact the Maine Elections Bureau and have both of her Petition signatures invalidated and removed from Cathy Breen's total. Since both forms were submitted simultaneously to the Elections Bureau, there is no practical way to determine which one was counted first.
- 2) I am requesting that the Democratic Party suggest to candidate Cathy Breen that she contact the Maine Elections Bureau and officially retract both Primary Nomination Petitions in question immediately. On both Petitions, "Pamela Fenrich" is the very first signature that appears at the top on "Line 1." One element of the Nomination Petition process is that every potential signatory has the opportunity and benefit of seeing who is already supporting the candidate – and using that knowledge as a material factor for voters and in the acquisition of all subsequent nomination signatures. As a well-known public figure in the political and community realm, Vice Chair "Pamela Fenrich" and her signature in #1 position on each form may have been a factor for some or all subsequent voters that later signed below her.
- 3) I am requesting that the Maine Democratic Party Leadership immediate vote to suspend Pamela Fenrich from her role as "Vice-Chair" until after the June 10<sup>th</sup> Primary. Not to do so jeopardizes my campaign and any chance of impartiality in the upcoming election process. While nothing can un-ring the bell of Pam Fenrich's actions to date, for the Party to not take action now – would cause further and potential permanent damage.
- 4) I am requesting an answer to this email and the suggested "Remedies" by Wednesday, March 5<sup>th</sup>, so that I can act accordingly.

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I am a loyal and committed Democrat intensely motivated to help Maine move forward. But, if the Democratic Party itself through the actions of the Vice Chair cannot be fair to my candidacy, I must reconsider the time, money, and sacrifice required of this pursuit.

I'm available to discuss.

Thank you.

Respectfully,

Steve

**Stephen M. Woods**

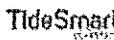
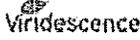
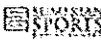
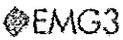
President/CEO | TideSmart Global

380 US Route 1, Falmouth, ME 04105

Office: 207-828-4700 | Mobile: 207-632-8516

[woodss@TideSmart.com](mailto:woodss@TideSmart.com)

[www.emg3.com](http://www.emg3.com) | [www.TideSmart.com](http://www.TideSmart.com)



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**Steve Woods**

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**From:** Ben Grant <bgrant@mainedems.org>  
**Sent:** Tuesday, March 04, 2014 12:44 PM  
**To:** Steve Woods  
**Cc:** 'Justin Alfond'  
**Subject:** RE: Pam Fenrich Formal Complaint

Steve,

As I have told you on several occasions, I confer with Sen. Alfond on any issues related to State Senate races. Since you cc'd him on this email, he is appraised of the situation, and we spoke about it this morning. What we feel will be most constructive is to invite you and Cathy to meet with the two of us to discuss what's going on in this race. With that in mind, we would like to meet at the MDP Office in Portland on Friday morning at 7:45. Are you able to come at that time? I would expect we could finish by 8:30.

In the meantime, I will speak to Pam about the events relayed below regarding the caucus. I think it only fair to get both sides of the story before contemplating any action.

Let me know about Friday.

Ben

Benjamin K. Grant, Chairman  
Maine Democratic Party  
P.O. Box 5258  
Augusta, ME 04332  
207-622-6233

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**From:** Steve Woods [mailto:WoodsS@tidesmart.com]  
**Sent:** Monday, March 3, 2014 4:12 PM  
**To:** Ben Grant (bgrant@mainedems.org)  
**Cc:** Steve Woods; Justin Alfond [REDACTED]  
**Subject:** Pam Fenrich Formal Complaint

Ben,

I'm writing to you as our state Chairman of the Democratic Party with a formal complaint against Vice-Chair Pam Fenrich.

Since my very first interaction with Ms. Fenrich last year she has been insulting, disrespectful, and yesterday, blatantly unethical. Because details matter, let me start by recreating what happened yesterday – almost precisely verbatim. (Two folks witnessed this exchange in totality and Tim Shannon – Yarmouth Dem Chair – was witness to most of it.)

-At approx. 2:45pm yesterday I entered the Democratic Caucus room at Falmouth Elementary School with one of my campaign coordinators (Dave Colson.) I approached Pam Fenrich and asked for the speaking order of the event. She informed me that towards the end of the program, SD#25, candidates would each have "5-minutes" to speak, with me going first and Cathy Breen going last.

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## Maine Revised Statutes

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	<a href="#">§682 MS-WORD</a>
	<a href="#">STATUTE SEARCH</a>
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	<a href="#">TITLE 21-A</a>
<a href="#">CONTENTS</a>	
	<a href="#">LIST OF TITLES</a>
	<a href="#">DISCLAIMER</a>
	<a href="#">MAINE LAW</a>
	<a href="#">REVISOR'S OFFICE</a>
	<a href="#">MAINE LEGISLATURE</a>

§681

Title 21-A:

§691

### ELECTIONS

#### Chapter 9: CONDUCT OF ELECTIONS

#### Subchapter 2: ELECTION PROCEDURE

#### Article 4: RESTRICTIONS

#### §682. Political activities

Certain activities are prohibited on election day. [2003, c. 447, §22 (RPR).]

**1. Instruction limited.** Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672.

[ 2003, c. 447, §22 (RPR) .]

**2. Influence prohibited.** On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate or question that is on the ballot for the election that day; or [2005, c. 568, §14 (AMD).]

B. Attempt to influence another person's decision regarding a candidate or question that is on the ballot for the election that day. [2005, c. 568, §14 (AMD).]

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote.

[ 2005, c. 568, §14 (AMD) .]

**2-A. Application.** This subsection governs the application of subsection 2.

A. Subsection 2 does not apply to pollwatchers, who may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. [2003, c. 447, §22 (NEW).]

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters until after the voters have voted and do not orally communicate with voters in a way that influences a voter's vote. [2003, c. 447, §22 (NEW).]

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C. If a person attempts to influence voters or interfere with their free passage, the warden shall have that person removed from the voting place. [2003, c. 447, §22 (NEW).]

[ 2003, c. 447, §22 (NEW) .]

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- ☑ [REVISOR'S OFFICE](#)
- ☑ [MAINE LEGISLATURE](#)

**3. Advertising prohibited.** A person may not display advertising material; operate an advertising medium, including a sound amplification device; or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches. [2009, c. 253, §27 (AMD).]

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising. [2003, c. 447, §22 (RPR).]

[ 2009, c. 253, §27 (AMD) .]

**4. Devices for audible communication.** Party workers or others may not use cellular phones, voice pagers or similar devices to make audible voice communication within the voting place that is in violation of subsection 2.

[ 2003, c. 447, §22 (NEW) .]

**5. Violation.** A person who knowingly engages in activities prohibited by this section commits a Class E crime.

[ 2003, c. 447, §22 (NEW) .]

**6. Public property limited.** For purposes of this section, "public property" does not include a public right-of-way across privately owned property if it is an easement right-of-way.

[ 2009, c. 253, §28 (NEW) .]

#### SECTION HISTORY

1985, c. 161, §6 (NEW). 1985, c. 383, §11 (AMD). 1991, c. 466, §20 (AMD). 1993, c. 473, §§19,20 (AMD). 1993, c. 473, §46 (AFF). 1995, c. 459, §§61,62 (AMD). 2001, c.

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**Steve Woods**

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**From:** Steve Woods  
**Sent:** Monday, June 23, 2014 3:28 PM  
**To:** Julie Flynn (Julie.Flynn@maine.gov)  
**Cc:** Ellen Planer ([REDACTED])  
**Subject:** June 10th Election - Complaint

Julie Flynn  
Deputy Secretary of State  
Bureau of Corporation, Elections and Commissions  
101 State House Station  
Augusta, ME 04333

Ms. Flynn,

Thank you again for taking the time to talk to me last week, and also today, in regard to the June 10<sup>th</sup> election. As just discussed by telephone, I am contesting and challenging the election results of June 10, 2014 and hereby request that you delay submitting the "Official Results" to the Governor's office until after my complaint is officially reviewed and resolved by your office, and if necessary, Maine's Attorney General's office.

Though I have a number of challenges in regard to how the Breen campaign (my opponent in the SD#25 democratic primary election) conducted itself, the central issue I am challenging today in specific to Maine Statue, Title 21-A, Section 681 – Chapter 9: Conduct of Elections and Subchapter 2: Election Procedure and Article 4: Restrictions.

First – the facts as supported by my own direct observations, observations by my campaign staff, observations by other candidates, and finally, as witnessed by Falmouth, Town Clerk & election Registrar, Ms. Ellen M. Planer.

-On election day, Tuesday, June 10, 2014, candidate Cathy Breen dispatched a number of family members, friends and supporters to various "Voting Places" to actively "advertise" her candidacy to voters as they were entering the various voting location in SD#25.

-What each of these surrogates said was along the lines of; "Hi..I'm Cathy Breen's husband...." Or "Hi...I'm Cathy Breen's daughter..." These interactions/conversations occurred throughout the entire election day – sometimes with Breen present – sometimes not.

-In addition, Breen campaign staff/supporters, Bonny Rodden and Pam Fenrich, also spent time engaging voters as they were entering the various voting places.

The issue. Maine law is very clear and detailed in this regard. The core principle of election law is to eliminate outside "influence" during the voting process and to allow all voters unfettered access to the voting place. In regard to allowed "Political Activities," the law is specific to "candidates" and candidates only in terms of what detailed voter engagement is allowed and legal.

*"These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote."*

Nowhere in the statute are family members, friends of surrogates mentioned as having any rights to engage voters – as it is intentionally written for "candidates" only – with ALL others exempt from ANY role in the process. (For anyone to

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suggest that the absence of language addressing non-candidates in relation to them affirmatively participating in voter engagement on election day -- would be absurd and illogical. Such an argument would then support & allow campaigns from enlisting or hiring hundreds of supporters to show up on election day to "engage" voters.)

Election law is deliberately prescriptive and rigid in regard to candidate messaging at the polling place (no campaign materials, no discussion of office being pursued, etc.) The principle for such vigilant election control is to insure that voters are not confronted with uncomfortable interactions or information within minutes & feet -- from actually voting.

In my case, election law precluded me from wearing a single, simple 2-inch lapel button that said "Steve Woods for State Senate" -- but Cathy Breen was allowed to have a living/breathing 5'8" campaign message in the form of Pam Fenrich standing right next to her as voters entered the polling place. Or, Breen was allowed to have thousands of interactions from her family member with voters?

It's well established that "symbols" are recognized as elements of communication. And the symbol of Pam Fenrich (a non-candidate for anything herself) standing next to Breen at the polling place was clearly a message to many voters, "Hi, I'm Pam Fenrich, Vice Chair of the Maine Democratic Party, Chair of the Falmouth Democratic Committee, well known as an iconic democratic activist in Falmouth and throughout Maine -- standing next to candidate Breen within inches of the doorway leading into the voting booths -- within days of having just sent out an email communication aggressively supporting Breen" -- is a clear and compelling message. (When a well-known professional athlete is viewed holding a Gatorade -- it's "advertising" even without any additional messaging, based simply on proximity. Same with Fenrich deliberately standing next to Breen.)

In fact, such "advertising" (Paragraph 3) is explicitly identified as a Class E "crime." (It is well established case law and brand marketing practice that merely mentioning "Cathy Breen" can and should be considering "advertising" under the statute -- even in the absence of a more detailed message, such as "Vote for Cathy Breen." Just the mention of "Cathy Breen" by anyone other than a candidate himself/herself is advertising by any standard -- and when it occurred a few minutes before voting -- and few feet from the voting booths -- it had a material and deliberate effect that was premeditated and intentional. (Just as a Coca-Cola sign is an effective "advertising" element in front of a store.)

It is my position that this is clear violation of Maine election law, which only (and appropriately) gives limited provisions for "candidates" themselves to greet voters. The absence of "family members" in the statute can only be viewed as an intentional element of the law. Otherwise, candidates with large families (20-30 members) would be at a distinct advantage over a candidate with a small family or, no family.

Also, why limit the scope to "family members" which is somewhat arbitrary -- when it can be argued that "friends" are just as important to many people as family. With that rationale, would I have been allowed to engage "200" of my "friends" to greet voters at voting places in SD#25 with the same message, "Hello, I'm a good friend of Steve Woods!" just as they were getting ready to vote, when name recognition and recall are critical? Clearly, not.

When I spoke with you earlier today, you (Julie Flynn) suggested that election law was somewhat vague on this issue and that your office was "interpreting" the law as to allow surrogates on election day. Can you please send me the written form of that "interpretation?" Also, what is the scope -- family members, friends, paid campaign staff? How is it monitored? How did Cathy Breen know that family members were allowed/legal and I -- and most candidates -- went by the letter of the law and believed that only "candidates" could be at the voting place to engage voters?

I've been an advertising/marketing executive for more than 30-years and I know first-hand that brand/name recall is critically important in all purchase/voting situations -- especially when they occur within minutes and feet from the decision.

In the case of the recent election here in State Senate #25, the Breen campaign had an unfair advantage as they were allowed to openly break election law in a manner that impacted the election results. Now, given that thousands of Breen

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family interactions were all in violation of Maine election law – and it can only be reasonably concluded that this violation was committed intentionally and in itself, this should call into question the results of the June 10<sup>th</sup> election.

The statute calls for the penalty (Class E crime) of up to six months of incarceration and \$1,000 fine per occurrence. I'm asking your office to impose that punishment (per interaction) after a thorough review. In the meantime, I am requesting that the result from the June 10, 2014 SD#25 election is NOT certified by the Governor until this matter is resolved.

(PLEASE CONFIRM RECEIPT OF THIS EMAIL.)

Thank you.

Steve Woods  
Candidate – State Senate #25

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**Steve Woods**

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**From:** Steve Woods  
**Sent:** Tuesday, June 24, 2014 9:20 AM  
**To:** Justin Alford [REDACTED]  
**Cc:** 'Wayne, Jonathan'  
**Subject:** Freedom of Access Act - Request

Honorable Justin L. Alford  
Senate President  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This email correspondence represents a formal request under Maine's Freedom of Access Act (FOAA.)

I am requesting that you provide the following documents, notes, details, emails, etc. – in any and all forms (paper & electronic) to me in a timely manner. This includes any & all email correspondence through any & all of your email accounts, known or not known to the public, including, [Justin@JustinAlfond.com](mailto:Justin@JustinAlfond.com) & [jalfond@gmail.com](mailto:jalfond@gmail.com). Also, "text messages" and any other recorded form of communication. (And if you are aware of any materials that fall under the scope of these requests, but cannot be located for any reason, please detail that information and any suggested explanation for why information might be unavailable.)

- 1) All requests below are for the time frame, November 1, 2013 through June 24, 2014
- 2) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and Ben Grant, Chairman of the Maine Democratic Party (MDP,) in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign or the candidacy/campaign of Cathy Breen.
- 3) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and Marc Malon, with the MDP, in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign, and also, the candidacy/campaign of Cathy Breen.
- 4) All correspondence, meeting notes, documents – shared in any form between yourself – (including anyone acting on your behalf or with your knowledge) - and "anyone" (persons known or not known,) in which the 2014 State Senate District #25 race is mentioned or referenced. This includes any/all references to me personally, and in addition, my (Steve Woods) candidacy/campaign, and also, the candidacy/campaign of Cathy Breen.
- 5) On March 5, 2014, you and I spoke via phone at approximately 9:17pm, for a period of approximately 59-minutes. Please provide any and all notes or documents pertaining to that conversation made by you, or in your possession. Also, please provide a detailed description of what was discussed, "agreed to", and referenced in that telephone conversation. And, any and all correspondence (in any form) pertaining to that conversation, sent or received by you at any time.
- 6) Any and all correspondence in any form between yourself and Pam Fenrich (Vice Chair – MDP). Also, details and notes regarding any and all conversations and meetings between yourself and Pam Fenrich during this period.
- 7) A detailed description of any and all documents or details from this requested period, within the requested context (items 1-8 in this request) that no longer may exist for any reason in physical form, that you're aware of in any manner.
- 8) Any and all correspondence and communication in any form, information, notes, meeting descriptions, etc. – associated with the June 10, 2014 primary election and the result of SD#25. This includes any and all references

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to Cathy Breen, Pam Fenrich or myself. This includes any and all materials, documents and communications that originated from you – or you received in any form – from any other party – that mentioned or referenced any aspect of the State Senate District #25 race between Cathy Breen and myself.

I appreciate your prompt attention to this FOAA request.

Thank you.

Respectfully,

**Steve Woods**  
64 Glen Rd  
Yarmouth, ME 04096

Mailing Address:  
c/o TideSmart  
380 US Route 1  
Falmouth, ME 04105