

Agenda

Item #9



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

July 1, 2008

John Monroe
117 Hart's Mill Road
Hope, ME 04847

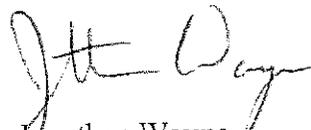
Dear Mr. Monroe:

Thank you for your request that the Maine Ethics Commission investigate the recent election in the town of Hope. I have conferred with the Commission's Counsel, Assistant Attorney General Phyllis Gardiner, on your request. We both agree that this matter is outside the jurisdiction of the Maine Ethics Commission. The Commission is the campaign finance agency for the State of Maine and we have no jurisdiction over the administration of the elections. Generally, the voting process is administered by the municipal clerks with oversight and advice from the Maine Secretary of State.

When the members of the Ethics Commission hold their next meeting on Monday, July 28, the Commission staff will inform them of the complaint and will explain our view that it is outside the jurisdiction of the Commission.

I am enclosing a copy of your request and this response for the town administrator of Hope and the Deputy Secretary of State for elections so that they are aware of your views. Please feel free to telephone me at 287-4179 if you have any questions.

Sincerely,


Jonathan Wayne
Executive Director

cp

cc: Deputy Secretary of State Julie Flynn
Jonathan Duke, Administrator for the Town of Hope
Assistant Attorney General Phyllis Gardiner

RECEIVED

JUL 1 2008

Maine Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, Maine 04333

MAINE ETHICS COMMISSION

To Whom It May Concern:

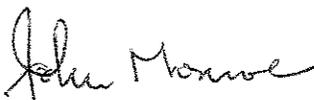
Pursuant to Title 21-A, Chapter 1, Subchapter 3, Section 33, I am hereby requesting that you investigate violations in the election process that occurred during the June 10, 2008 Town of Hope's election.

The election process was illegal in that members of a candidate's immediate family functioned as election officials, a direct violation of section MRSA 21-A, Chapter 7 Section 504(3). Specifically, the mother (Barbara Ludwig) and wife (Peggy Ludwig) of my opposing candidate for Road Commissioner (Alex Ludwig) served as election officials. Ms. Peggy Ludwig served as election moderator (and perhaps deputy warden) and Ms. Barbara Ludwig served as an election clerk in charge of ensuring the ballots were properly placed in the ballot box. The Road Commissioner election was, as expected, a very close contest. Out of a total 535 votes cast, only 24 votes ultimately separated the candidates. Given the narrow margin of this contest, and that the voting booths had no back screening as required by Title 21-A, Chapter 9, Subchapter 1, Article 2, Section 629, I feel that, in addition to being a direct violation of state law, their presence may well have provided a visual influence on voters and may have affected the outcome of the election. Coincidentally, as a life-long resident of Hope, this is the first time in my experience that there has been no back screening on the voting booths.

On June 13, 2008, I filed a letter with the Town of Hope, notifying them of these violations and requesting that they notify me of their proposed corrective actions. (See attached letter). In response, the town Administrator provided me a copy of a memo from the town attorney, Paul Gibbons, that seems to indicate the town believes it is not a violation of state law to have a candidate's relatives serve as election officials if they are appointed rather than elected (see attached memo). Clearly, this is an incorrect interpretation of Section 504(3).

I understand that the town would prefer to sweep this matter under the carpet. However, in addition to it being important to have your intervention for purposes of resolving the discrepancies in the Road Commissioner election, it is clear that the town may continue to hold illegal elections without further input on this matter.

Thank you for your attention to this matter. Please forward all correspondence to me at 117 Hart's Mill Road, Hope, ME 04847. I may also be reached at (207) 542-9636 (cell) or at (207) 785-4685 (office) if you need any further information.

Sincerely, 

John Monroe

June 13, 2008

Town of Hope, Maine
Board of Selectmen and Town Administrator

To the Board of Selectmen:

I am hereby giving notice that it appears the elections held on June 10, 2008 were not held legally, pursuant to Title 21-A. Specifically, the election process was illegal in that members of a candidate's immediate family functioned as election officials at the election, a direct violation of section MRSA 21-A, Chapter 7 Section 504(3). In addition to being a direct violation of state law, I feel that this may have been a visual influence on voters and may well have affected the outcome in certain, closely contested elections. Before determining what further action is necessary on my part, I would like to know what corrective actions the town is planning to take regarding this situation.

John Monroe

Memo

TO: Jon Duke, Hope Town Administrator
From: Paul Gibbons, Town Attorney
Re: Propriety of Mrs. Ludwig to serve in her capacity that was that of Warden or Ward clerk instead of election clerk.

Alex Ludwig and John Monroe were both running for a three year term for road commissioner. Alex Ludwig won by 24 votes.

John Monroe sought and received the right to inspect the ballots. After the inspection he seemed to believe that he lost the election as far as the number of votes cast were concerned.

John Monroe sent a letter to the Board of Selectmen claiming that Alex Ludwig's mother, an elderly woman, was an election clerk and this constitutes a violation of the Title 21 -A MRSA 504 which does not allow a candidate or a member of the candidate's family to be an election official. This law provides:

"The following may not serve as election officials:
....."

3. "Candidate and certain relatives. A candidate or member of his immediate family, in the electoral division from which the candidate seeks election.

"This subsection does not apply to a candidate for warden or ward clerk or the immediate family of the candidate for warden or ward clerk."

Does apply to a candidate for warden or ward clerk.

This section applies when wardens or ward clerks have relatives running as Candidates for office. This subsection allows wardens to be appointed to that position even though they may be related to a candidate for office.

Wrong

Election officials cannot be members of the immediate family of a candidate for office. If Mrs Ludwig, Alex Ludwig's mother, was a warden and not an election clerk then there is no violation of the section 21-A MRSA 504.

Former road commissioner questions June election

By KIM LINCOLN

HOPE — Former road commissioner John Monroe has submitted a letter to the select board, questioning the validity of the June 10 election. Monroe lost to newly elected road commissioner Alex Ludwig by 25 votes at the polls.

In the letter, Monroe questioned the validity of the election because two of Ludwig's relatives were appointed to work the polls on Election Day. Ludwig's wife, Peggy served as poll moderator and his mother Barbara Ludwig sat next to the ballot box.

Monroe also expressed concern that no curtains were on the back of the poll booths.

Monroe submitted the letter to selectmen following a June 23 inspection of the ballots.

Walter Campbell and Monroe requested the ballot inspection and both looked over voter lists and ballots, and found small discrepancies between votes cast and votes reported, but no more than two votes, said Town Administrator Jon Duke. Campbell was defeated in a three-way race for two seats on the select board.

Both men did not see anything that would change the votes or the outcome of the election, Duke said, adding that neither man has requested an official recount.

At the June 10 election, Campbell received 172 votes,

while opponents Barbara Bentley received 347 votes and Michael Ames gathered 222 votes. Bentley and Ames were elected to fill two vacancies.

In the road commissioner's race, the final tally was 260-235.

John,
This is what happens
when you go up against
the town clerk and the
good old boys in Hope. 😊
Jake