



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

Agenda

Meeting of November 24, 2008

9:00 a.m., Burton M. Cross Office Building, Room 208,
111 Sewall Street, Augusta, Maine

1. Ratification of Minutes of the October 17, 2008 Meeting

2. Complaint against Rep. Philip A. Curtis/Campaign Signs

John Bertl filed a written complaint that the campaign signs of Rep. Philip A. Curtis did not contain the name and address of the person who paid for the signs. The signs contain a statement that they were paid for and authorized by the candidate. Rep. Curtis did not respond to the complaint. *Staff recommendation: the staff recommends finding the candidate in violation of 21-A M.R.S.A. § 1014-A because the signs do not contain the candidate's address. The staff recommends no financial penalty for the violation.*

3. Request for Waiver of Late-Filing Penalty/Dill Leadership PAC

The Dill Leadership political action committee (PAC) was five days late filing the October quarterly PAC report due October 10, 2008. Rep. Cynthia Dill requests a waiver of the \$51.25 late-filing penalty because of the death of the husband of her PAC's treasurer. *Staff recommendation: the staff recommends a full waiver of the penalty because the death qualifies as a valid emergency under 21-A M.R.S.A. § 1062-A(2)(A).*

4. Request for Waiver of Late-Filing Penalty/Fed Up With Taxes PAC

The Fed Up With Taxes political action committee was late in filing two 24-Hour Reports due October 24 and 25, 2008. The reports were filed on the evening of October 27. Based on the formula in the Election Law, the penalties for the two late reports are \$96.12 and \$10,000. The PAC requests a waiver of the \$10,000 penalty because it is disproportionate to any harm suffered by the public from the late disclosure and for other reasons. *Staff recommendation: the staff recommends a significant reduction in the \$10,000 penalty.*

5. Request for Waiver of Late-Filing Penalty/Teri McRae

Teri McRae was a candidate for re-election to the office of Register of Probate for Cumberland County. She filed her 11-day pre-general election report one day late on October 25, 2008. The preliminary penalty amount is \$132.10. Ms. McRae requests a waiver of the penalty. *Staff recommendation: the staff recommends against granting the waiver, and assessing a penalty of \$132.10.*

6. James Martin's Complaint against Tom Mooney

House candidate James Martin filed a complaint against his opponent, Tom Mooney, alleging misleading claims of endorsement in Mr. Mooney's palm card, missing disclosure on his campaign signs and palm card, and use of Maine Clean Election Act funds for purposes unrelated to his campaign. Mr. Mooney complains that he has suffered from harassment, false statements, and damage to campaign property by members of Mr. Martin's campaign committee.

7. Missing Disclosure Statement on Letter by Bangor City Republican Committee

On October 27, 2008, Democratic House candidate Steven Butterfield requested that the Commission investigate who had paid for a mailing in support of the Republican nominee in his race. The mailing was financed by the Bangor City Republican Committee, but the letter did not include a disclosure statement that the committee had paid for the mailing. *Staff recommendation: the staff recommends the assessment of a \$200 penalty against the Bangor City Republican Committee, because recipients of the letter were not informed that the communication had been paid for by the committee.*

8. Rule-Making on Seed Money Collected by Gubernatorial Candidates

In July 2008, the Commission agreed to accept public comment on a proposed rule amendment to increase the maximum amount of seed money which a gubernatorial candidate seeking Maine Clean Election Act funding can collect from \$50,000 to \$100,000. After receiving public comment, the Commission agreed at its October 27 meeting to accept public comment on a proposed increase to \$150,000. The Commission will hold a public hearing to receive comments on the \$150,000 proposal.

9. Policy Issue: Reconsideration of Commission's Express Advocacy Rule

At the Commission's October 17, 2008 meeting, the Commission received suggestions from concerned advocates that the Commission may wish to revisit its policy on express advocacy. The suggestion was that some of the Commission's 2006 decisions applying the express advocacy definition may have inadvertently constricted the boundaries of express advocacy with the effect of excluding communications by the political parties which clearly advocated for candidates. Because of the constitutional issues involved, the staff has drafted a rule amendment for preliminary comments by members of the Commission and the public before the Commission initiates its next rule-making.

10. Policy Issue: Candidates' Appearance in Third-Party Advertising

In September 2008, the Maine Republican Party requested that the Commission consider advertising sponsored by VoteVets.org regarding U.S. Senator Susan Collins' record on funding the war in Iraq in which Maine House candidate Alexander Cornell du Houx appeared. At its October 17, 2008 meeting, the Commission took no action with respect to the advertisement and postponed consideration of any policy change to address the broader issue of a candidate receiving free exposure to voters by appearing in third-party advertising.

11. Policy Issue: Disclosure on Signs and Joint Advertising

In October 2008, four candidates filed complaints regarding joint advertising purchased by their four opponents and regarding the “paid for” disclosure statement on some of their opponents’ signs. Although the complainants eventually withdrew their complaints, they urged the Commission to provide further guidance to all candidates on these issues.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT