



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

Commission Meeting: 12/18/2019
Agenda Item #5

To: Commissioners
From: Emma Burke, Candidate Registrar
Date: December 10, 2019
Re: Request by Philip Spiller for Waiver of Late-Filing Penalties Due to Three Late
24-Hour Reports for a Municipal Election

Philip Spiller was a candidate running for the Mayor of Westbrook in the 2019 municipal election. This was Mr. Spiller's first campaign for public office.

Mr. Spiller's campaign made three expenditures on separate days that were required to be filed on 24-Hour Reports within twenty-four hours of the transactions. All three reports went unfiled until November 8, 2019, three days after the election. The preliminary penalties for the late reports total \$2,395.28. Mr. Spiller is requesting a waiver of the penalties.

LEGAL REQUIREMENTS

For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the Commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates shall file their reports by the close of business on the day of the filing deadline established for the office of the municipal clerk. The Commission retains the sole authority to prescribe the content of all reporting forms. The Commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns, except that the Commission has the discretion to conduct investigations and assess penalties under subsection 3-A. (21-A M.R.S.A § 1011(3))

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty. (21-A M.R.S.A § 1020-A(3))

Candidates, including municipal candidates, are required to file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or make an expenditure of \$1,000 or more. (21-A M.R.S.A. § 1017(3-A)(C)) When a candidate is late in filing a report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A)(4-A))

DISCUSSION

Due to the fact Mr. Spiller was a municipal candidate, the election Mr. Spiller participated in was overseen by Angela Holmes, the City Clerk of Westbrook. According to Ms. Holmes, Mr. Spiller had been notified of the requirement to file 24-Hour Reports via: an initial training session conducted by Ms. Holmes for Mr. Spiller; the Municipal Candidate's Guidebook; emails which contained links to guidance materials on the Commission's website; in a letter sent October 29th outlining a previous penalty; and in multiple phone and in-person conversations that took place during the election cycle.

On November 7th, Ms. Holmes became concerned that Mr. Spiller may have been required to file at least one, if not several, 24-Hour Reports, due to ads that had been published in the local newspaper and notification of a direct mail piece that had been delivered to households in Westbrook. Ms. Holmes knew that these expenditures had not been included on Mr. Spiller's 11-Day Pre-Election Report, and therefore had most likely occurred during the 24-Hour reporting period, which began on October 23, 2019, and ended on November 4, 2019. Ms. Holmes contacted Mr. Spiller directly via phone and email to offer another reminder of the 24-Hour Reports. After a few points of contact,

Mr. Spiller realized that several 24-Hour Reports had gone unfiled, and subsequently filed three late 24-Hour Reports with Ms. Holmes at the Westbrook City Hall.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalties combined amount to \$2,395.28, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	10/24/2019	\$1,642.00	4%	15	\$985.20
24-Hour Report	10/31/2019	\$1,642.00	4%	8	\$525.44
24-Hour Report	11/01/2019	\$3,686.00	4%	6	\$884.64

Through a letter submitted November 26, 2019 and then revised and resubmitted December 9, 2019 (revised version attached), Mr. Spiller asks that the Commission partially waive the preliminary penalties. In Mr. Spiller's letter, numerous personal issues and commitments are described as impediments to being able to remember and comply to campaign finance requirements. These include having multiple voluntary and paid positions, an illness, and problems with a domestic partner, who was initially Mr. Spiller's treasurer. Mr. Spiller's letter also states that better communication and support from Ms. Holmes would have increased the likelihood of reports being filed on time. Mr. Spiller's letter, however, does not include particular details on precisely why none of the three 24-Hour Reports were timely filed. Candidate Registrar Emma Burke had provided Mr. Spiller an opportunity to submit a revised version of the waiver request, suggesting Mr. Spiller include more specific information on what happened with the late-filed 24-Hour Reports; Mr. Spiller did submit a revised version, but it does not offer much more regarding specifically why the reports were late.

STAFF RECOMMENDATION

Accurate and complete campaign finance reports are an integral part of Maine Campaign Finance Law. Members of the public, candidates, and other interested parties should always be able to see how candidates and committees have raised and spent their campaign funds after a filing deadline. This is especially important in municipal elections in which financial activity is concentrated in a short time period.

Mr. Spiller's waiver request regarding missing filing the three 24-Hour Reports is, unfortunately, lacking in clear explanations for why that occurred. It is the Commission staff's opinion that the work of Angela Holmes should have resulted in a definite understanding of the filing requirements. Ms. Holmes went above and beyond what is expected of the role of the City Clerk in explaining campaign finance requirements. In the opinion of the Commission staff, she should be commended for the level of information, communication and guidance she provided to municipal candidates in the November 5, 2019 election.

The choice to run for public office is a voluntary one, and must be weighed against other personal and employment responsibilities. The majority of candidates have many responsibilities and difficulties placed upon them, and the expectations to comply to Maine Campaign Finance Law are almost always met.

In the summer of 2018, the Commission staff announced its intent to use \$300 as its baseline penalty for late-filed reports by candidates, with the flexibility to increase or decrease penalties based upon the specific circumstances of a late report.

In this case, the Commission staff views the preliminary penalty of \$2,395.28 as disproportionately high, compared to the harm to the public. We recommend a penalty of \$300 *per report*, for a total penalty of \$900, because:

- the financial information was disclosed after the election took place;
- the candidate received all of the information necessary to understand how to timely file;
- no clear explanations were given as to why the reports were filed late.

Thank you for your consideration of this memo.

Philip D. Spiller, Jr.
Captain, Jetblue Airways
CDR, US Navy (retired)
76 Sawyer Rd.
Westbrook, ME 04092
November 22nd, 2019

Ms. Burke
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Dear Ms. Burke:

I am respectfully requesting a waiver for a late filing penalty fee for three 24-Hour reports during the recent November 5th, 2019 election as a candidate for the Mayor of the City of Westbrook. As per a letter dated November 12, 2019 from the Office of the City Clerk of the City of Westbrook, I am submitting this request prior to 5:00pm on Tuesday, November 26th 2019.

Being a first-time candidate for municipal office and one I had not really planned on, this was quite the experience. Looking back on the entire process and candidate requirements, there may perhaps be some shortcomings in the communications procedures – especially for first-time candidates. I am certainly willing to offer suggestions and potential improvements – at a minimum for our City of Westbrook communications - during a potential hearing to discuss penalty fees. As great a learning experience as the campaign was itself - now that the election is over and life is returning to normal, I certainly look forward to any final learning opportunities / helping future candidates.

I am respectfully asking for at least a reduced penalty from the \$2,395.28 requested from the City of Westbrook. I do not believe it fair – nor right – to ask for a full waiver. These reasons include, but are not limited to, as follows:

1. I initially had assigned a Treasurer to my campaign due to the time commitments / attention I was advised being Treasurer would take. This was even more necessary in my case I believe – due to still working full time as an airline captain and battling a serious lung condition, but also due to an overly-active involvement in the Westbrook community including serving as Board VP of our Main Street America downtown revitalization group, Board President of Westbrook American Legion Post 62, a city-appointed Commissioner on the Westbrook Recreation and Conservation Commission, Westbrook's representative on the Greater-Portland regional tourism Visit Portland Board of Directors, and helping numerous city-improvement projects including a downtown Main Street banner refresh project, a large dog / ramp park expansion project, and a large federal grant project working with the ME Bureau of Parks and Lands.
Initially, my Domestic Partner of nearly 9 years had initially expressed interest in being my Treasurer, so I submitted her name. Unfortunately, when it became apparent that she would not only not support my candidacy - but that one of the other Mayoral candidates would have her full support instead - I removed her as my Treasurer. My suspicions were evidenced not only by her monetary contribution to another Mayoral campaign afterwards (reference donation by Susan McCarthy on 11-day Pre-Election report of candidate Michael T. Foley of Westbrook), but also quite actively discrediting my character and campaign on local social media and throughout the Westbrook community.

Due to this breach of trust with my first-assigned Treasurer with another Mayoral candidate instead, I decided to act as my own Treasurer. Additionally, this breach of trust - combined with the questionable behavior of a fellow Mayoral candidate in accepting her support (in my opinion) - also took an emotional toll on myself and my campaign. I believe this was a distinct cause of my loss of attention to detail, especially in my reporting efforts

2. Looking back, my initial meeting with Westbrook City Clerk discussing the 2019 Municipal Candidate Guidebook I said I had just printed out - was perhaps a bit more abbreviated than it should have been. In addition to me not knowing what to grasp as important or what questions to ask – being a first-time candidate – there also seemed to be a belief I was not serious about my candidacy, and was not going to follow through with a campaign. This was even discussed in my initial meeting with our City Clerk, as she had also heard these rumors.

I do not recall any discussion of penalties of late reporting occurring during this initial briefing – i.e 2% for a first infraction, 4% for the second, etc.

3. My first campaign finance report (and first I had ever filed) was submitted one working day late. The City Clerk became aware of my extreme diligence in ensuring that this initial 11-Day Pre-Election Report would not be any later than that one working day, as I declined to leave the City Hall offices until I had completed the report and filed it with her. I believe she understood that I took the campaign finance requirements very seriously at that point - and would work diligently to ensure any final reports would be in, on time.
4. After paying the first fine of the 11-Day Pre-Election filing report, there was one additional conversation I recall having with our City Clerk – which essentially entailed her reminding me “to read my emails, as there was important information in them.” To which I responded that I was doing my best to keep my head above water on many fronts, while still working full-time keeping up with my extensive work requirements, health challenges, and community organizational work.

I believe at this point – or shortly thereafter however – Mrs. Holmes probably suspected I had perhaps already been late on one – or multiple – required 24-Hour Reports. The first subsequent phone call I received from her expressing “concern” that I had missed one – or multiple – 24-Hour Reports however, wasn’t until a couple days after the election. Understandably it was my responsibility - and not the City Clerk’s - to completely understand all reporting requirements – but as to the reasons I alluded to above (being a first-time candidate, working full-time, another Mayoral candidate questionably accepting my Domestic Partner’s assistance and thus removing her as my Treasurer, over-active involvement in multiple community organizations and improvement projects, and dealing with a severe lung disorder), with a little better initial guidance / follow-up from our municipality once it was obvious I had missed one or multiple 24-Hour report(s), I would have willingly and swiftly submitted those reports. Because finally, within hours of receiving that phone call from the City Clerk - and finally receiving more specific guidance on the 24-Hour reports - I had the reports quickly submitted.

Thank you for your engaged attention in this matter – in my attempt to explain just a few of the reasons why I fell short in submitting the required 24-Hour Reports. To say I am beyond disappointed in my shortcoming in this matter is an understatement. Again, I look forward to a possible discussion in this matter – to perhaps mitigate another first-time candidate having similar challenges. And a possible reduction of the late-filing fee of \$2,395.28. As a dedicated public servant for the Westbrook community and a Community Volunteer of the Year award recipient from my employer, this penalty amount seems both unfortunate on face value – but also discouraging to other potential candidates considering running for public office.

Respectfully,

Philip D. Spiller, Jr.
Captain, Jetblue Airways
CDR, US Navy (retired)



City of Westbrook, Maine

OFFICE OF THE CITY CLERK

City Clerk's Office
2 York Street
Westbrook, Maine 04092

Phone: 207-591-8131
Fax: 207-854-0635
Email: clerk@westbrook.me.us

Philip D. Spiller, Jr.
76 Sawyer Road
Westbrook, ME 04092

Tuesday November 12, 2019

RE: Penalty for Second Late Filing

Dear Mr. Spiller,

As discussed over the phone on November 7, 2019, you are subject to penalties for the late filing of three 24-Hour Reports for the November 5, 2019 election, which were submitted November 8, 2019. The reports were due within 24-hours of the qualifying expenditures. This deadline was referenced in the 2019 Municipal Candidate's Guidebook. Reporting requirements were also outlined in email communications sent on September 13, October 18, October 21, October 25, November 4, and November 7, 2019, in the letter sent to you on October 29, 2019 outlining your first penalty for filing a late report, and in several conversations you and I have had in-person and over the phone during this election season.

The formula for the late filing penalty is outlined in Title 21-A M.R.S.A. § 1020-A(4-A). As this is your second late filing, you will be assessed a fine of 4% of the total contributions or total expenditures made during this filing period (whichever is greater), multiplied by the number of calendar days late.

You submitted four late 24-Hour Reports; however, one of the reports outlined an expenditure previously disclosed in your 11-Day Pre-Election Report. I have not taken this filing into consideration when calculating your late penalties. The remaining late penalties are outlined below.

Report 1	Expenditure Date:	10/23/19
	Days Late:	15
	Total Expenditure:	\$1,642
	Late Fine:	\$985.20
Report 2	Expenditure Date:	10/30/19
	Days Late:	8
	Total Expenditure:	\$1,642
	Late Fine:	\$525.44
Report 3	Expenditure Date:	11/1/19
	Days Late:	6
	Total Expenditure:	\$3,686
	Late Fine:	\$884.64

Based upon this formula, your penalties combined total is \$2,395.28. Due to the serious nature of these violations, you must either pay this penalty amount within 14 days, or you must request a waiver of the penalty from the Maine Commission on Governmental Ethics & Election Practices within 14 days.

Please remit payment in the amount of \$2,395.28 or request a waiver of the penalty by 5pm on Tuesday November 26, 2019. You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request 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 reports were filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

You can contact me directly by phone at 207-591-8115 (office) or 207-671-0605 (cell) or by email at aholmes@westbrook.me.us if you have any questions or would like to schedule an appointment.

If you request a waiver, your request must be sent to Candidate Registrar Emma Burke at the Maine Ethics Commission. She can be reached by phone at 207-287-4727, by email at emma.burke@maine.gov or at:

Maine Ethics Commission
135 State House Station
Augusta, Maine 04333

In addition, please be cognizant of the reporting requirements and deadlines for the 42-Day Post-Election Campaign Finance Report, due on December 17, 2019, and covering all expenditures and contributions not otherwise disclosed in your 24-Hour Reports made during the period of October 23, 2019 through December 10, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Holmes', written in a cursive style.

Angela Holmes, CMC/CCM
City Clerk & Registrar of Voters

24-HOUR REPORT – November 5, 2019 Election

Report Period: October 23 – November 4, 2019

Due: 10/24/2019
Filed 11/08/2019

CANDIDATE INFORMATION

NAME OF CANDIDATE <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd.</i>	OFFICE SOUGHT <i>Mayor</i>
CITY, ZIP CODE <i>Westbrook 04092</i>	DISTRICT NUMBER (IF ANY)
NAME OF AUTHORIZED COMMITTEE, IF ANY	

TREASURER INFORMATION

NAME OF TREASURER <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd.</i>	CITY, ZIP CODE <i>Westbrook 04092</i>


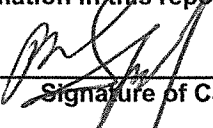
CONTRIBUTOR INFORMATION

NAME OF CONTRIBUTOR <i>Philip D. Spiller, Jr.</i>	OCCUPATION <i>Pilot</i>
NUMBER AND STREET <i>76 Sawyer Rd.</i>	EMPLOYER <i>JetBlue</i>
CITY, STATE, ZIP CODE <i>Westbrook, ME 04092</i>	For in-kind contributions received, describe the goods or services received:
DATE OF CONTRIBUTION <i>10/23/19</i>	
CONTRIBUTION AMOUNT: \$ <i>1642</i>	
IF IN-KIND, REPORT FAIR MARKET VALUE: \$	

EXPENDITURE INFORMATION

NAME OF PAYEE <i>American Journal (PPH)</i>	DATE OF EXPENDITURE <i>10/23/19</i>
NUMBER AND STREET <i>295 Bennett Dr.</i>	EXPENDITURE AMOUNT <i>\$1642</i>
CITY, STATE, ZIP CODE <i>South Portland, ME 04106</i>	
PURPOSE OF EXPENDITURE <i>Newspaper Advertisement</i>	

I, *Philip D. Spiller, Jr.* certify that the information in this report is true, correct and complete.

Signature of Treasurer Date *11-7-19* Signature of Candidate Date *11-7-19*

24-HOUR REPORT – November 5, 2019 Election

Report Period: October 23 – November 4, 2019

Due: 10/31/2019
Filed: 11/08/2019

CANDIDATE INFORMATION

NAME OF CANDIDATE <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd</i>	OFFICE SOUGHT <i>Mayor</i>
CITY, ZIP CODE <i>Westbrook 04092</i>	DISTRICT NUMBER (IF ANY)
NAME OF AUTHORIZED COMMITTEE, IF ANY	

TREASURER INFORMATION

NAME OF TREASURER <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd.</i>	CITY, ZIP CODE <i>Westbrook 04092</i>

CONTRIBUTOR INFORMATION

NAME OF CONTRIBUTOR <i>Philip D. Spiller, Jr.</i>	OCCUPATION <i>Pilot</i>
NUMBER AND STREET <i>76 Sawyer Rd.</i>	EMPLOYER <i>JetBlue</i>
CITY, STATE, ZIP CODE <i>Westbrook, ME 04092</i>	For in-kind contributions received, describe the goods or services received:
DATE OF CONTRIBUTION <i>10/30/19</i>	
CONTRIBUTION AMOUNT: \$ <i>1642</i>	
IF IN-KIND, REPORT FAIR MARKET VALUE: \$	

EXPENDITURE INFORMATION

NAME OF PAYEE <i>American Journal (PPH)</i>	DATE OF EXPENDITURE <i>10/30/19</i>
NUMBER AND STREET <i>295 Gannett Dr.</i>	EXPENDITURE AMOUNT <i>\$1642</i>
CITY, STATE, ZIP CODE <i>S. Portland, ME 04106</i>	
PURPOSE OF EXPENDITURE <i>Newspaper Ad.</i>	

I, *Philip D. Spiller Jr.* certify that the information in this report is true, correct and complete.

M. Spiller
Signature of Treasurer

11-7-19
Date

M. Spiller
Signature of Candidate

11-7-19
Date

24-HOUR REPORT – November 5, 2019 Election

Report Period: October 23 – November 4, 2019

Due: 11/02/2019
Filed: 11/08/2019

CANDIDATE INFORMATION

NAME OF CANDIDATE <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd.</i>	OFFICE SOUGHT
CITY, ZIP CODE <i>Westbrook 04092</i>	DISTRICT NUMBER (IF ANY)
NAME OF AUTHORIZED COMMITTEE, IF ANY	

TREASURER INFORMATION

NAME OF TREASURER <i>Philip D. Spiller, Jr.</i>	TELEPHONE NUMBER <i>850 529 3283</i>
MAILING ADDRESS <i>76 Sawyer Rd</i>	CITY, ZIP CODE <i>Westbrook 04092</i>

CONTRIBUTOR INFORMATION

NAME OF CONTRIBUTOR <i>Philip D. Spiller, Jr.</i>	OCCUPATION <i>Pilot</i>
NUMBER AND STREET <i>76 Sawyer Rd.</i>	EMPLOYER <i>JetBlue</i>
CITY, STATE, ZIP CODE <i>Westbrook, ME 04092</i>	For in-kind contributions received, describe the goods or services received:
DATE OF CONTRIBUTION <i>11-1-19</i>	
CONTRIBUTION AMOUNT: \$ <i>\$3686</i>	
IF IN-KIND, REPORT FAIR MARKET VALUE: \$	

EXPENDITURE INFORMATION

NAME OF PAYEE <i>Full Court Press</i>	DATE OF EXPENDITURE <i>11-1-19</i>
NUMBER AND STREET <i>855 Main St.</i>	EXPENDITURE AMOUNT <i>\$3686</i>
CITY, STATE, ZIP CODE <i>Westbrook, ME 04092</i>	
PURPOSE OF EXPENDITURE <i>mailing</i>	

I, *Philip D. Spiller, Jr.* certify that the information in this report is true, correct and complete.

[Signature]
Signature of Treasurer

11-7-19
Date

[Signature]
Signature of Candidate

11-7-19
Date

From: [Angela Holmes](#)
To: [Burke, Emma](#)
Subject: Spiller Communications
Date: Monday, December 9, 2019 14:49:35
Attachments: [Spiller Communications.pdf](#)

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.

Hi Emma,

I went through my emails to check each time Spiller received notification of campaign filing requirements. The emails are attached, for reference, and an outline of the dates is included below:

- August 27, 2019 – Registration and campaign finance regulations
- August 30, 2019 – Reminder to register and resending campaign finance filing
- September 13, 2019 – Overview of campaign finance reporting requirements; summary of reporting FAQs
- October 18, 2019 – Reminder of upcoming campaign finance deadline
- October 21, 2019 – This email actually *doesn't* address campaign finance; it outlines other election regulations, but I'm including it because I had cited it in my late fine letters to Phil
- October 25, 2019 – Reminder of deadline for campaign finance
- October 28, 2019 – Notice to Spiller, 11-Day Report is late
- October 29, 2019 – Reminder on 24-hour reports; link to scanned copies of reports; letter to Spiller regarding late fines for late 11-Day report
- November 1, 2019 – Reminder of deadline for 11-Day Pre-Election Report amendments
- November 4, 2019 – Reminder on 24-hour reports; resending previous email
- November 7, 2019 – Email to Spiller, concern about potential need to file 24-hour reports
- November 12, 2019 – Scanned copy of letter outlining 2nd late filing penalty

There are a number of additional communications with Phil, but these seemed to be most relevant.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

NOTICE: In accordance with 1 M.R.S. § 402(3) of Maine's Freedom of Access Act, any record (including this email) in the possession or custody of a public official which has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business may constitute a public record. There are very few exceptions. For more information, please visit www.maine.gov/foaa.

From: Angela Holmes
Bcc: ["michael@foleyforwestbrook.com"](mailto:michael@foleyforwestbrook.com); [Phil Spiller](mailto:Phil.Spiller); ["mcdonald67@yahoo.com"](mailto:mcdonald67@yahoo.com); ["claude.rwaganje"](mailto:claude.rwaganje); [Deb Shangraw \(Shangrawd@outlook.com\)](mailto:Deb.Shangraw(Shangrawd@outlook.com)); ["vote4victorchau@gmail.com"](mailto:vote4victorchau@gmail.com); [Larry McWilliams](mailto:Larry.McWilliams); ["mcgowanjeremy@yahoo.com"](mailto:mcgowanjeremy@yahoo.com); ["poitrasn@westbrookschoos.org"](mailto:poitrasn@westbrookschoos.org); ["johnh80@gmail.com"](mailto:johnh80@gmail.com); ["jskolas@myfairpoint.net"](mailto:jskolas@myfairpoint.net); ["Adam Cowsert"](mailto:Adam.Cowsert); ["Phil Brown"](mailto:Phil.Brown); ["lglidd@myfairpoint.net"](mailto:lglidd@myfairpoint.net)
Subject: Candidate Registration
Date: Tuesday, August 27, 2019 4:38:00 PM
Importance: High

Dear all,

You have all been nominated as candidates to appear on the November 5, 2019 ballot. State law requires that each of you complete a Candidate Registration Form within 10 days of the nomination. I realize I'm sending this notice out late, so I ask that each of you **please complete this form** if you have not done so already and return it to my office **by 5pm on Friday 8/30**. For your convenience, you may scan/email the form by the deadline, and mail or drop off the original by the following week.

In addition, please note that if you intend to raise/expend funds on your campaign (including your own personal funds), you will be required to complete a Campaign Finance Report. Please review the **information listed here**. The most important documents to review are as follows:

Commission Website

- Filing Schedule
- Campaign Finance Report Form
- 2019 Municipal Candidate's Guidebook

Please let me know if you have any questions, or if you wish to meet in person to review these requirements.

In addition, for those already serving on City Council or the School Committee, please note that you will need to designate another email address for campaign use.

Angela Holmes, CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

NOTICE: In accordance with 1 M.R.S. § 402(3) of Maine's Freedom of Access Act, any record (including this email) in the possession or custody of a public official which has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business may constitute a public record. There are very few exceptions. For more information, please visit www.maine.gov/foaa.

CITY OF WESTBROOK

CAMPAIGN FINANCE BASICS

Included below is an outline of the basics of campaign finance reporting requirements for City of Westbrook candidates. Please consult the “Municipal Candidates Guidebook” for additional information.

OVERVIEW

Why do we have to submit campaign finance reports?

- Maine State Law dictates that municipal candidates in municipalities with populations of \geq 15,000 are subject to the same campaign finance reporting requirements as candidates for state and county office, with the municipal clerk acting in place of the Maine Ethics Commission
- There are two parts to this process – registering as a candidate, and filing campaign finance reports

Can I file my paperwork electronically?

- You may scan/email your registration form and campaign finance reports to the Clerk, so long as the originals are received within 5 calendar days of the filing deadline

Who can look at my reports?

- Your registration and campaign finance reports are public documents and can be inspected by any member of the public, including other candidates and the media. The City may choose to make copies of reports available online for ease of access.

PART 1 – CANDIDATE REGISTRATION

Who must register as a candidate?

- If you raise funds for your campaign (including accepting donations)
- If you expend funds on your campaign (including your own funds)
- If you file nomination papers to appear on the ballot
- If you are nominated by caucus to appear on the ballot
- If you file as a write-in candidate
- EVERY candidate must register, even if you do not intend to raise/expend funds on your campaign

When do I need to register?

- Before you accept contributions for your campaign
- Before you make any expenditures on your campaign
- Within 10 days of being nominated to appear on the ballot (whether by filing papers or by caucus nomination)

How do I register?

- Complete the Registration form
- Nominate a Treasurer (you can be your own Treasurer)
- If there are any changes, notify the Clerk within 10 days

What if I don't want to raise or expend funds on my campaign?

- If you are not raising/expendng funds on your campaign (including your own funds), you still need to register. However, you do NOT need to file Campaign Finance Reports.
- Select the "exempt" option on the registration form. No need to file any other paperwork.
- You may change your mind at any point – file an updated registration form to remove your exempt status

What do I have to do once I'm registered?

- Open a separate bank account to use exclusively for campaign finance activities
- Keep record of all financial activities (receipts, etc.) for 2 years
- Complete the Campaign Finance Report forms listing all contributions and expenditures made for your campaign

PART 2 – CAMPAIGN FINANCE REPORTS

What Campaign Finance Reports do I have to file?

- Every who is not exempt (whether you win or lose) must file:
 - 11-Day Pre-Election Report, due on 10/25 (covers beginning of campaign – 10/22)
 - 42-Day Post-Election Report, due on 12/17 (covers 10/23 – 12/10)
- You may also need to file:
 - ○ 24-Hour Reports, if you have any single contribution/expenditure ≥ \$1,000 (due 10/23 – 11/4, within 24 hours of the contribution/expenditure)
 - Pre-Election Semiannual Report, if you raise/spend over \$500 in the calendar year before the election
 - Post-Election Semiannual Report, if you carry a balance of more than \$100 as of the 42-Day Post-Election Report (due every 6 months until the balance is \$100 or less)

What if I want to spend my own money on my campaign?

- Personal funds may be used on a campaign, but must be reported in the Campaign Finance Report
- Decide what type of contribution you are making to your campaign:
 - A *cash contribution* describes money that is donated to the campaign without the intent of being repaid
 - A *loan* occurs when you "front" money to the campaign, with the intent of being repaid later on

- An *in-kind contribution* is a good or service provided to the campaign at no cost or at a discounted cost; this includes payments/purchases made on behalf of the campaign (i.e. a neighbor buys your lawn signs for you)
- Note that a loan can be “forgiven” at a later date if the intent to be repaid changes – if the donor (the candidate or otherwise) decides not to ask for repayment, the forgiven loan then becomes a cash contribution, and must be reported as such

Are there any limits on contributions?

- “Anonymous” contributions are limited to \$10 or less
- Contributions from the candidate or candidate’s spouse/domestic partner have no limit
- Contributions from everyone else are capped at \$850 (cumulatively per contributor)
- Contributions may only be made by U.S. citizens and people with valid green cards

What contribution information do I need to track?

- Contributions under \$10 → can be made anonymously
- Contributions of \$10 to \$50 → name, address, amount and date
- Contributions over \$50 → name, address, amount, date, occupation and employer
- Non-cash contributions → check the handbook for detailed info on how to report goods/services/in-kind contributions

What expenditure information do I need to track?

- All expenditures, regardless of amount → amount, vendor name, date, purpose, and relationship (if the vendor is an immediate family member)
- Expenditures over \$50 → all of the above, plus the receipt/invoice

What do I need to do after the election is over?

- If you are done raising/expending funds on your campaign, and you do not intend to keep your campaign account active, you may “close out” your campaign activities by disposing of surplus cash over \$100 (any balance over this amount will require the filing of semiannual campaign finance reports). Check the Municipal Candidate Guidebook for allowable methods of disposing of surplus cash.
- If your campaign account balance as reported in the 42-Day Post-Election Campaign Finance Report shows \$100 or less, your campaign reporting is finished.



Forms
State Candidates
County Candidates
Municipal Candidates
Party Committees
PACs
Ballot Question Committees
Municipal PACs & BQCs
Lobbyists
Legislators
Other

Forms and Guides for Municipal Candidates

Forms

- [Candidate Registration Form \(PDF\)](#)

Reports

For municipal candidate elections in June 2019

- [2019 Filing Schedule - June Election \(PDF\)](#)
- [2019 Campaign Finance Report - June Election \(PDF\)](#)
- [24-Hour Report - June Election \(PDF\)](#)

For municipal candidate elections in November 2019

- [2019 Filing Schedule - November Election \(PDF\)](#)
- [2019 Campaign Finance Report - November Election \(PDF\)](#)
- [24-Hour Report - November Election \(PDF\)](#)

Guides

- [2019 Municipal Candidate's Guidebook \(PDF\)](#)
- [Disposition of Surplus Funds \(PDF\)](#)
- [Disposition of Debts and Loans \(PDF\)](#)
- [Policy on Paying Campaign Funds to Family Members \(PDF\)](#)
- [Accepting Contributions from Foreign Nationals \(FEC website\)](#)

See following page

2019 FILING SCHEDULE

For Municipal Candidates in the November Election

MUNICIPAL ELECTION: NOVEMBER 5, 2019

REQUIRED REPORT	FILING DEADLINE (BY CLOSE OF BUSINESS)	REPORT PERIOD
11-Day Pre-Election	October 25, 2019	Beginning of campaign – October 22, 2019
42-Day Post-Election	December 17, 2019	October 23, 2019 – December 10, 2019

ADDITIONAL REPORTS THAT MAY BE REQUIRED:

Pre-Election Semiannual Reports	Any candidate who raises or spends <u>more than \$500</u> in the calendar year preceding the year of the election or prior to July 1 st of the election year must file pre-election semiannual reports. Please check with the Clerk's Office to determine if and when semiannual reports are required.
Post-Election Semiannual Reports	Any candidate reporting a cash balance, outstanding loan balance, and/or unpaid debt/obligation of more than \$100 on the 42-Day Post-Election Report is required to file Post-Election Semiannual Reports every six months until the cash, loan and/or debt balances are \$100 or less. Once these balances are \$100 or less, the campaign is considered "closed out" and no additional reports are required. Please check with the Clerk's Office to obtain semiannual report forms, the filing schedule, and information on how to close out your campaign.

REQUIRED REPORT: 24-HOUR REPORT	WHAT TO REPORT	WHEN TO FILE THE REPORT
October 23, 2019 Through November 4, 2019	Any single <u>contribution</u> of \$1,000 or more. Under Maine Election Law, loans are considered contributions. Any single <u>expenditure</u> of \$1,000 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time an order is placed or obligation are made.	Within 24 hours, including Saturdays and Sundays, of receiving the contribution or making the expenditure, incurring the obligation, or placing the order.

FILING PROCEDURES

Filing Campaign Finance Reports on Paper. Each original campaign finance report signed by the candidate and/or treasurer must be properly filed with the Clerk's Office by the filing deadline, except in two circumstances. A properly signed report may be faxed to the Clerk's Office at the number above by the close of business on the deadline, provided that the Clerk's Office receives the original report within five calendar days. A report mailed to the Clerk's Office by certified or registered mail and postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

Staff in the Clerk's Office will be available until the close of business on the filing deadlines to offer assistance to candidates and treasurers.

From: Angela Holmes
Bcc: [Phil Spiller: "vote4victorchau@gmail.com"](mailto:Phil.Spiller@vote4victorchau.com); ["mcgowanjeremy@yahoo.com"](mailto:mcgowanjeremy@yahoo.com); ["johnh80@gmail.com"](mailto:johnh80@gmail.com)
Subject: FW: Candidate Registration
Date: Friday, August 30, 2019 9:45:00 AM
Importance: High

Dear all,

As a reminder, please file your candidate registration form by **5pm today**.

Angela Holmes, CMC
City Clerk & Registrar of Voters

NOTICE: In accordance with 1 M.R.S. § 402(3) of Maine's Freedom of Access Act, any record (including this email) in the possession or custody of a public official which has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business may constitute a public record. There are very few exceptions. For more information, please visit www.maine.gov/foaa.

From: Angela Holmes
Sent: Tuesday, August 27, 2019 4:39 PM
Subject: Candidate Registration
Importance: High

Dear all,

You have all been nominated as candidates to appear on the November 5, 2019 ballot. State law requires that each of you complete a Candidate Registration Form within 10 days of the nomination. I realize I'm sending this notice out late, so I ask that each of you [please complete this form](#) if you have not done so already and return it to my office **by 5pm on Friday 8/30**. For your convenience, you may scan/email the form by the deadline, and mail or drop off the original by the following week.

In addition, please note that if you intend to raise/expend funds on your campaign (including your own personal funds), you will be required to complete a Campaign Finance Report. Please review the [information listed here](#). The most important documents to review are as follows:

- Filing Schedule
- Campaign Finance Report Form
- 2019 Municipal Candidate's Guidebook

Please let me know if you have any questions, or if you wish to meet in person to review these requirements.

In addition, for those already serving on City Council or the School Committee, please note that you will need to designate another email address for campaign use.

Angela Holmes, CMC
City Clerk & Registrar of Voters

From: [Angela Holmes](#)
Bcc: michael@foleyforwestbrook.com; smallbirdsfllying@gmail.com; pdsflynavy@gmail.com; macjohnsonforwestbrook@gmail.com; claudeforcouncil.com; swillette@maine.rr.com; morsecdc@gmail.com; shangrawd@outlook.com; vote4victorchau@gmail.com; tharvestconn@gmail.com; elliottwilliamstorey@gmail.com; mcgowanjeremy@yahoo.com; ourputer26@yahoo.com; johnh80@gmail.com; hilarie.schmalke@gmail.com; acowsert@newagemm.com; pfbrown@maine.rr.com; marthaoconnor@hotmail.com; Guy Cote; jocalder@aol.com; sjcort@maine.rr.com; muhammad.khan@bangor.com; klcmorse@gmail.com; shangrawk@gmail.com
Subject: Candidate Communications
Date: Friday, September 13, 2019 2:05:00 PM
Attachments: [FY 20, Clerk & Elections.pdf](#)
[Campaign Finance Overview - 2019.08.28.docx](#)
[Campaign Signage Overview - 2019.08.28.docx](#)
[signguidance.pdf](#)

Dear Candidates,

This is the first of several emails you will receive between now and the election. I intend to send regular updates addressing FAQs, issues, reminders, etc. If you have a designated Treasurer or candidate committee, those individuals will be included on the mailings as well.

- **Campaign Finance Overview.** Please review the attached “Campaign Finance Overview.” This is a summary of basic campaign finance regulations. [Click here](#) for the full Municipal Candidates Guidebook and links to campaign finance reporting.
- **Campaign Signage Overview.** Please review the attached “Campaign Signage Overview.” This is a summary of basic campaign signage regulations. Please note that the law regulating campaign signs is set to change on September 19th, giving enforcement authority to municipalities and expanding the prohibited areas of sign placement. As this change goes into effect mid-election season, the City has determined to maintain status quo regarding sign enforcement for this election. However, please note that policy changes on temporary signage will likely take place in the future. [Click here](#) to view the updates to State law.
- **Consolidated Polling Location.** City Council and the Secretary of State approved the consolidation of all polling locations. Please help get the word out – all voters will now go to the Community Center Gym (426 Bridge Street) to vote.
- **Absentee Ballots.** Voters may request an absentee ballot at any time by calling 591-8116, going online here, or by stopping by City Hall to fill out a request form. Please spread the word. Ballots arrive from the printer about 30 days prior to an election, at which point we’ll start mailing them out to all who have submitted requests.
- **Soliciting City Employees.** I have been notified that several City employees who are Westbrook residents have been approached by one or more candidates asking for their support and/or to place a lawn sign in their yard. We ask all candidates to refrain from soliciting support from employees as this could be construed as quid pro quo. Employees are free to reach out to candidates in their personal time, if desired (not during work hours or using city resources).
- **Voter Stats.** A candidate stopped by today, and asked what our party split is here in

Westbrook. I've included the attached document for reference, which was presented to City Council during the FY 20 budget hearings.

- **Mayoral Debate.** I believe that David Ennis, a teacher at Westbrook High School, will be reaching out to mayoral candidates to coordinate a date/time for a mayoral debate, organized by WHS students. Stay tuned. To my knowledge there are no other debates or candidate nights planned by any local civic organization.

Please let me know if you have any questions.

Thank you!

Angela Holmes, CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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From: [Angela Holmes](#)
Bcc: michael@foleyforwestbrook.com; smallbirdsflying@gmail.com; pdsflynavy@gmail.com; macjohnsonforwestbrook@gmail.com; claud@claudeforcitycouncil.com; swillette@maine.rr.com; morsedc@gmail.com; shangrawd@outlook.com; vote4victorchau@gmail.com; tharvestconn@gmail.com; elliottwilliamstorey@gmail.com; mcgowanjeremy@yahoo.com; ourputer26@yahoo.com; johnh80@gmail.com; hilarie.schmalke@gmail.com; acowsert@newagemm.com; pfbrown@maine.rr.com; marthaoconnor@hotmail.com; [Guy Cote](#)
Subject: Candidate Updates
Date: Friday, October 18, 2019 10:10:00 AM

Dear Candidates/Treasurers,
Please review the following information:

- **Contacting the City re: Political Signs.** Please contact me directly if you have a question or complaint about political signs. Other departments have been fielding calls, and have asked that this reminder be sent around. The one exception is if you need to report a stolen sign – to file a Theft Report, you can contact the Police Dispatch at 207-854-0644.
- **Placement of Political Signs.** A reminder to make sure that all signs bearing substantially the same message must be placed at least 30' apart.
- **Campaign Finance Reports.** If you are subject to Campaign Finance Reporting, please note that the 11-Day Pre-Election Report is due by **5pm on Friday 10/25**. You may send me a scanned/mailed copy so long as the original is received by the following week. [Click here](#) to access the report form, and [click here](#) for the Ethics Commission website containing additional information, such as the Candidate Guidebook. Please consult the Guidebook if you are unsure how to list a contribution or expenditure.
- **Debates/Forums.** I have been sharing Facebook posts of any debate or forum that I'm made aware of through the City's Facebook page. If you hear of any forum that the City can assist in promoting, please let me know. The City does not organize debates or forums, but we are happy to assist in advertising these events.
- **Absentee Ballots.** For general information, we have issued 383 absentee ballots to-date, and 178 have been returned.

As always, please feel free to call or text if you have any questions. My cell is 671-0605.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

From: [Angela Holmes](#)
Bcc: jocalder@aol.com; sjcort@maine.rr.com; muhammad.khan@bangor.com; klcmorse@gmail.com; shangrawk@gmail.com; michael@foleyforwestbrook.com; smallbirdsfllying@gmail.com; pdsflynavy@gmail.com; macjohnsonforwestbrook@gmail.com; claud@claudeforcouncil.com; swillette@maine.rr.com; morsedc@gmail.com; shangrawd@outlook.com; vote4victorchau@gmail.com; tharvestconn@gmail.com; elliottwilliamstorey@gmail.com; mcgowanjeremy@yahoo.com; ourputer26@yahoo.com; johnh80@gmail.com; hilarie.schmalke@gmail.com; acowsert@newagemm.com; pfbrown@maine.rr.com; marthaoconnor@hotmail.com; [Guy Cote](#); [Ashley Rand](#); [Melanie Fernald](#); [Jerre Bryant](#); [Stephen Fields](#)
Subject: RE: Election Day Activities
Date: Monday, October 21, 2019 2:30:00 PM

Dear all,

I wanted to clarify the regulations pertaining to advertising at City Hall during absentee voting.

21-A MRSA § 753-B(8) states that “For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located.”

There are two exceptions – if the person with the advertising material is voting absentee at City Hall, or is at City Hall to conduct municipal business. We interpret this last portion to mean short, transactional municipal business – e.g. the 10 minutes it takes to register your vehicle, and not meetings or conferences. If you are at City Hall for anything other than a short transaction, **the expectation is that no advertising materials will be displayed on your person or on your vehicle.**

Thank you in advance for your assistance in ensuring that Westbrook voters have a fair and influence-free voting experience when absentee voting at City Hall.

Please contact me directly if you have any questions about this.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters

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From: Angela Holmes
Sent: Friday, October 18, 2019 11:23 AM
Subject: Election Day Activities

Dear Candidates,

Please review the below information on Election Day activities. In accordance with 21-A MRSA § 682.2, a person may not influence or attempt to influence another person's decision regarding a candidate or question that is on the current ballot in the voting place itself or within 250' of the entrance to the voting place on public property.

- **No Advertising within 250' on Public Property.** This map has already been distributed, but

I'm including it again for reference. No political advertising is allowed on public property within 250' of the entrance to any polling location. This rule is currently in effect at City Hall, as we are conducting absentee voting right now, and will be in effect on Election Day over at the Community Center. This includes not only the standard political lawn signs, but it also includes buttons, bumper stickers, signs on vehicles, clothing, hats, name tags, and other advertising items. The exceptions to this rule are as follows:

- Advertising is permitted on vehicles traveling to/from the voting place if the vehicle is parked at the polls while the driver or passengers of the vehicle are voting. A person at the polling location for reasons other than voting (e.g. candidate, election worker, pollwatcher) may not park a vehicle bearing political advertising on public property within 250' of the polls.
- Persons in the voting place solely for the purpose of voting may wear campaign buttons (dimensions may not exceed 3"). No one else may wear campaign buttons of any size. The same restrictions apply to badges or nametags containing a candidate's name or promoting a question on the ballot.
- **Verbal Communications with Voters.** Candidates are allowed to be at the polling location in the designated areas (read more below), and are allowed to verbally communicate with voters as long as they do not attempt to influence the voters. Candidates may shake hands and say their name, but may not state the name of the office they are seeking or ask for a person's vote. A surrogate for the candidate may also greet voters, but may not say they support the candidate or ask for a vote on behalf of the candidate.
- **Designated Candidate Areas.** Candidates may stand anywhere outside of the Community Center, including outside any entrance. Due to the consolidation of polling locations and increased foot traffic, we will restrict where candidates can stand inside the Community Center while voting takes place (7am – 8pm). Please refer to the attached map (all prohibited areas marked in green). The exception to this prohibition is any candidate who needs to enter the gym or pool atrium hallway to either update voter registration or to vote. A map of the internal layout of the gym and hallway where voter registration will take place is also attached for reference. After the polls close at 8pm, candidates are welcome to stand in the gym outside the guardrail area to observe the closing process and to be present for preliminary results.

Please be sure to share this information with anyone who may be present at the polls on your behalf.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115

From: Angela Holmes
Bcc: "michael@foleyforwestbrook.com"; "smallbirdsflving@gmail.com"; "pdsflynavy@gmail.com"; "macjohnsonforwestbrook@gmail.com"; "claud@claudeforcitycouncil.com"; "swillette@maine.rr.com"; "morsedc@gmail.com"; "shangrawd@outlook.com"; "vote4victorchau@gmail.com"; "tharvestconn@gmail.com"; "elliottwilliamstorey@gmail.com"; "mcgowanjeremy@yahoo.com"; "ourputer26@yahoo.com"; "johnh80@gmail.com"; "hilarie.schmalke@gmail.com"; "acowsert@newagemm.com"; "pfbrown@maine.rr.com"; "marthaconnor@hotmail.com"; Guy Cote; "jocalder@aol.com"; "lisagl@maine.rr.com"; "sjcort@maine.rr.com"; "muhammad.khan@bangor.com"; "klcmorse@gmail.com"; "shangrawk@gmail.com"; Ashley Rand; Melanie Fernald
Subject: Candidate Communications
Date: Friday, October 25, 2019 9:41:00 AM
Importance: High

Dear Candidates/Treasurers,

- **Campaign Finance Reports Due.** The 11-Day Pre-Election Campaign Finance Report is due **today by 5pm**. These reports must be filed by everyone, except those who signed the exemption certificate stating that they would not raise/expend funds (including personal funds) on their campaign. As noted in a previous email, you may submit a scanned/emailed copy of the report as long as the original is received by next week. [Click here](#) to access the report form, and [click here](#) for the Ethics Commission website containing additional information, such as the Candidate Guidebook. Please consult the Guidebook if you are unsure how to list a contribution or expenditure.
- **Election Results.** I intend to release the unofficial election results from the Westbrook Community Center on election night. The results will be publicly posted and emailed.
- **Absentee Ballots.** For general information, we have issued 635 absentee ballots to-date, and 400 have been returned.
- **City Hall Open Tomorrow.** We will be open tomorrow from 9am-12pm for absentee voting. [Here is a link](#) to the Facebook event. I'd appreciate your assistance in getting the word out!

As always, please feel free to call or text if you have any questions. My cell is 671-0605.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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From: Angela Holmes
Bcc: "michael@foleyforwestbrook.com"; "smallbirdsflving@gmail.com"; "pdsflynavy@gmail.com"; "macjohnsonforwestbrook@gmail.com"; "claud@claudeforcitycouncil.com"; "swillette@maine.rr.com"; "morsedc@gmail.com"; "shangrawd@outlook.com"; "vote4victorchau@gmail.com"; "tharvestconn@gmail.com"; "elliottwilliamstorey@gmail.com"; "mcgowanjeremy@yahoo.com"; "ourputer26@yahoo.com"; "johnh80@gmail.com"; "hilarie.schmalke@gmail.com"; "acowsert@newagemm.com"; "pfbrown@maine.rr.com"; "marthaconnor@hotmail.com"; "RR57"; "jocalder@aol.com"; "lisagl@maine.rr.com"; "sjcort@maine.rr.com"; "muhammad.khan@bangor.com"; "klcmorse@gmail.com"; "shangrawk@gmail.com"; Ashley Rand; Melanie Fernald
Subject: Candidate Communications
Date: Tuesday, October 29, 2019 9:06:00 AM

Dear Candidates,
Please review the following:

- **Amendments.** Several candidates must file amendments to their 11-Day Pre-Election Campaign Finance reports. These amendments are due no later than Friday.
- **24-Hour Reports.** As outlined in the Guidebook, if you receive or expend \$1,000 or more between 10/23 – 11/4, you must file a 24-hour report with this office **within 24 hours** of the receipt/expenditure. You may file this by email, provided that the original is received within 5 calendar days. [Click here](#) to view the 24-hour report forms.
- **Receipts/Invoices.** As a reminder, I reserve the right to request any receipt, invoice, bank statement or other financial record.
- **Penalties for Late Filings.** There are penalties for late filings, which will be assessed.
- **Reports Posted Online.** All campaign finance reports will be posted online later today, as these are public documents.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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From: Angela Holmes
Bcc: "michael@foleyforwestbrook.com"; "smallbirdsflving@gmail.com"; "pdsflynavy@gmail.com"; "macjohnsonforwestbrook@gmail.com"; "claudio@claudioforcitycouncil.com"; "swillette@maine.rr.com"; "morsedc@gmail.com"; "shangrawd@outlook.com"; "vote4victorchau@gmail.com"; "tharvestconn@gmail.com"; "elliottwilliamstorey@gmail.com"; "mcgowanjeremy@yahoo.com"; "ourputer26@yahoo.com"; "johnh80@gmail.com"; "hilarie.schmalke@gmail.com"; "acowsert@newagemm.com"; "pfbrown@maine.rr.com"; "marthaoconnor@hotmail.com"; "RR57"; "jocalder@aol.com"; "lisagl@maine.rr.com"; "sjcort@maine.rr.com"; "muhammad.khan@bangor.com"; "klcmorse@gmail.com"; "shangrawk@gmail.com"; Ashley Rand; Melanie Fernald
Subject: RE: Candidate Communications
Date: Tuesday, October 29, 2019 10:12:00 AM

Dear all,

[Click here](#) to view all campaign finance reports. Amended/corrected reports will be posted when received.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters

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From: Angela Holmes
Sent: Tuesday, October 29, 2019 9:07 AM
Subject: Candidate Communications

Dear Candidates,
Please review the following:

- **Amendments.** Several candidates must file amendments to their 11-Day Pre-Election Campaign Finance reports. These amendments are due no later than Friday.
- **24-Hour Reports.** As outlined in the Guidebook, if you receive or expend \$1,000 or more between 10/23 – 11/4, you must file a 24-hour report with this office **within 24 hours** of the receipt/expenditure. You may file this by email, provided that the original is received within 5 calendar days. [Click here](#) to view the 24-hour report forms.
- **Receipts/Invoices.** As a reminder, I reserve the right to request any receipt, invoice, bank statement or other financial record.
- **Penalties for Late Filings.** There are penalties for late filings, which will be assessed.
- **Reports Posted Online.** All campaign finance reports will be posted online later today, as these are public documents.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters

From: Angela Holmes
To: "pdsflynavy@gmail.com"
Subject: Late Filing Penalty
Date: Tuesday, October 29, 2019 1:25:00 PM
Attachments: [Late Filing, Spiller.pdf](#)
Importance: High

Hi Phil,

As noted yesterday, you will be subject to a late filing penalty. Please see the attached letter.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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City of Westbrook, Maine

OFFICE OF THE CITY CLERK

City Clerk's Office
2 York Street
Westbrook, Maine 04092

Phone: 207-591-8131
Fax: 207-854-0635
Email: clerk@westbrook.me.us

Philip D. Spiller, Jr.
76 Sawyer Road
Westbrook, ME 04092

Tuesday October 29, 2019

RE: Penalty for Late Filing

Dear Mr. Spiller,

As discussed yesterday, you are subject to a penalty for the late filing of your 11-Day Pre-Election Campaign Finance Report, which was submitted on October 28, 2019. The report was due by 5pm on October 25, 2019. This deadline was referenced in the 2019 Municipal Candidate's Guidebook, and reporting requirements were outlined in email communications sent to all candidates on September 13, October 18, October 21, and October 25, 2019.

The formula for the late filing penalty is outlined in Title 21-A M.R.S.A. § 1020-A(4-A). As this is your first late filing, you will be assessed a fine of 2% of the total contributions received or total expenditures made during this filing period (whichever amount is greater), multiplied by the number of calendar days late.

Total Contributions:	\$13,781
Daily Penalty Rate:	2%
Days Late:	3

Based upon this formula, your late filing fee would be \$826.86. However, we are choosing to assess a fine for 1 day only. Thus, your total late filing fee is **\$275.62**.

I have given all candidates until Friday November 1, 2019 to submit any necessary amendments to their reports. As noted yesterday, you will be required to submit an amendment to your report as well and must also provide a copy of the invoice or statement from Air Ad Works.

Please remit payment in the amount of \$275.62 along with the documentation listed above by 5pm on Friday November 1, 2019. Please contact me directly by phone at 207-591-8115 (office) or 207-671-0605 (cell) or by email at aholmes@westbrook.me.us if you have any questions or would like to schedule an appointment.

Sincerely,

Angela Holmes, CMC/CCM
City Clerk & Registrar of Voters

From: Angela Holmes
Bcc: "michael@foleyforwestbrook.com"; "smallbirdsflving@gmail.com"; "pdsflynavy@gmail.com"; "macjohnsonforwestbrook@gmail.com"; "claudio@claudioforcitycouncil.com"; "swillette@maine.rr.com"; "morsedc@gmail.com"; "shangrawd@outlook.com"; "vote4victorchau@gmail.com"; "tharvestconn@gmail.com"; "elliottwilliamstorey@gmail.com"; "mcgowanjeremy@yahoo.com"; "ourputer26@yahoo.com"; "johnh80@gmail.com"; "hilarie.schmalke@gmail.com"; "acowsert@newagemm.com"; "pfbrown@maine.rr.com"; "marthaconnor@hotmail.com"; "RR57"; "jocalder@aol.com"; "lisagl@maine.rr.com"; "sjcort@maine.rr.com"; "muhammad.khan@bangor.com"; "klcmorse@gmail.com"; "shangrawk@gmail.com"; Ashley Rand; Melanie Fernald
Subject: Candidate Communication - Signage
Date: Friday, November 1, 2019 9:10:00 AM
Importance: High

Dear all,

Please review the below:

- **Reporting sign theft.** As noted in a previous email, the **only** appropriate method to report a stolen sign is to call Police Dispatch at 207-854-0644. Do not call any officer directly.
- **Signs on Main Street.** The Police Department was made aware of a video of a person who appears to be mentally ill pulling signs along Main Street and throwing them in the street. If you see anyone pulling signs, please contact Police Dispatch immediately so that they can take action.
- **Amendments.** If you were required to submit an amendment to your 11-Day Pre-Election Campaign Finance Report, the deadline to submit such amendment is **today at 5pm**.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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From: Angela Holmes
Bcc: "michael@foleyforwestbrook.com"; "smallbirdsflving@gmail.com"; "pdsflynavy@gmail.com"; "macjohnsonforwestbrook@gmail.com"; "claud@claudeforcouncil.com"; "swillette@maine.rr.com"; "morsedc@gmail.com"; "shangrawd@outlook.com"; "vote4victorchau@gmail.com"; "tharvestconn@gmail.com"; "elliottwilliamstorey@gmail.com"; "mcgowanjeremy@yahoo.com"; "ourputer26@yahoo.com"; "johnh80@gmail.com"; "hilarie.schmalke@gmail.com"; "acowsert@newagemm.com"; "pfbrown@maine.rr.com"; "marthaconnor@hotmail.com"; "RR57"; "jocalder@aol.com"; "lisagl@maine.rr.com"; "sjcort@maine.rr.com"; "muhammad.khan@bangor.com"; "klcmorse@gmail.com"; "shangrawk@gmail.com"; Ashley Rand; Melanie Fernald
Subject: RE: Candidate Communications
Date: Monday, November 4, 2019 7:28:00 PM

Dear Candidates,
Another reminder on the 24-hour report filing (see below).

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters

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From: Angela Holmes
Sent: Tuesday, October 29, 2019 9:07 AM
Subject: Candidate Communications

Dear Candidates,
Please review the following:

- **Amendments.** Several candidates must file amendments to their 11-Day Pre-Election Campaign Finance reports. These amendments are due no later than Friday.
- **24-Hour Reports.** As outlined in the Guidebook, if you receive or expend \$1,000 or more between 10/23 – 11/4, you must file a 24-hour report with this office **within 24 hours** of the receipt/expenditure. You may file this by email, provided that the original is received within 5 calendar days. [Click here](#) to view the 24-hour report forms.
- **Receipts/Invoices.** As a reminder, I reserve the right to request any receipt, invoice, bank statement or other financial record.
- **Penalties for Late Filings.** There are penalties for late filings, which will be assessed.
- **Reports Posted Online.** All campaign finance reports will be posted online later today, as these are public documents.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook

From: Angela Holmes
To: [Phil Spiller](#)
Subject: Late Filings
Date: Thursday, November 7, 2019 2:30:00 PM
Importance: High

Hi Phil,

I'm concerned that you may have made expenditures or received contributions which would have required a 24-hour campaign finance report filing, and have not submitted the paperwork. Please reference my previous emails for additional information on these requirements. Late penalties are applicable to each date you are late with these filings.

Please call me at your earliest convenience so we can discuss this.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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From: Angela Holmes
To: [Phil Spiller](#)
Subject: Penalties for Second Late Filing
Date: Tuesday, November 12, 2019 10:07:00 AM
Attachments: [Second Late Filing, Spiller.signed.pdf](#)
Importance: High

Hi Phil,

Please review the attached letter outlining the penalties for your second late filing. A certified letter will be mailed to your home address today.

Angela Holmes, CCM/CMC
City Clerk & Registrar of Voters
City of Westbrook
2 York Street
Westbrook, ME 04092
Phone: (207) 591-8115
Email: aholmes@westbrook.me.us

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City of Westbrook, Maine

OFFICE OF THE CITY CLERK

City Clerk's Office
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Phone: 207-591-8131
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Philip D. Spiller, Jr.
76 Sawyer Road
Westbrook, ME 04092

Tuesday November 12, 2019

RE: Penalty for Second Late Filing

Dear Mr. Spiller,

As discussed over the phone on November 7, 2019, you are subject to penalties for the late filing of three 24-Hour Reports for the November 5, 2019 election, which were submitted November 8, 2019. The reports were due within 24-hours of the qualifying expenditures. This deadline was referenced in the 2019 Municipal Candidate's Guidebook. Reporting requirements were also outlined in email communications sent on September 13, October 18, October 21, October 25, November 4, and November 7, 2019, in the letter sent to you on October 29, 2019 outlining your first penalty for filing a late report, and in several conversations you and I have had in-person and over the phone during this election season.

The formula for the late filing penalty is outlined in Title 21-A M.R.S.A. § 1020-A(4-A). As this is your second late filing, you will be assessed a fine of 4% of the total contributions or total expenditures made during this filing period (whichever is greater), multiplied by the number of calendar days late.

You submitted four late 24-Hour Reports; however, one of the reports outlined an expenditure previously disclosed in your 11-Day Pre-Election Report. I have not taken this filing into consideration when calculating your late penalties. The remaining late penalties are outlined below.

Report 1	Expenditure Date:	10/23/19
	Days Late:	15
	Total Expenditure:	\$1,642
	Late Fine:	\$985.20
Report 2	Expenditure Date:	10/30/19
	Days Late:	8
	Total Expenditure:	\$1,642
	Late Fine:	\$525.44
Report 3	Expenditure Date:	11/1/19
	Days Late:	6
	Total Expenditure:	\$3,686
	Late Fine:	\$884.64

Based upon this formula, your penalties combined total is \$2,395.28. Due to the serious nature of these violations, you must either pay this penalty amount within 14 days, or you must request a waiver of the penalty from the Maine Commission on Governmental Ethics & Election Practices within 14 days.

Please remit payment in the amount of \$2,395.28 or request a waiver of the penalty by 5pm on Tuesday November 26, 2019. You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request 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 reports were filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

You can contact me directly by phone at 207-591-8115 (office) or 207-671-0605 (cell) or by email at aholmes@westbrook.me.us if you have any questions or would like to schedule an appointment.

If you request a waiver, your request must be sent to Candidate Registrar Emma Burke at the Maine Ethics Commission. She can be reached by phone at 207-287-4727, by email at emma.burke@maine.gov or at:

Maine Ethics Commission
135 State House Station
Augusta, Maine 04333

In addition, please be cognizant of the reporting requirements and deadlines for the 42-Day Post-Election Campaign Finance Report, due on December 17, 2019, and covering all expenditures and contributions not otherwise disclosed in your 24-Hour Reports made during the period of October 23, 2019 through December 10, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela Holmes', written in a cursive style.

Angela Holmes, CMC/CCM
City Clerk & Registrar of Voters