



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

Commission Meeting 06/22/2022
Agenda Item #3

To: Commissioners
From: Lorrie Brann, Candidate Registrar
Date: June 15, 2022
Re: Request for Waiver of Late Filing Penalty for the 42-Day Pre-Primary Report by
Candidate Ethan Alcorn

Ethan Alcorn registered to run as an unenrolled candidate for Governor on March 31, 2022 and was required to file the 42-Day Pre-Primary Report by 11:59 p.m. on May 3, 2022. Mr. Alcorn filed the report on May 4, one day late. Mr. Alcorn is an experienced candidate having previously run for Governor in 2018. The preliminary penalty for the late report is \$200 and he is requesting a waiver of the penalty. He did not qualify for the ballot as a candidate for Governor.

LEGAL REQUIREMENTS

Gubernatorial candidates are required to file the 42-Day Pre-Primary Report no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete for the filing period as of the 49th day before that date. 21-A M.R.S. § 1017(2)(B). When a candidate files a late campaign finance report, the amount of the penalty is set by a statutory 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. § 1020-A(4-A).

DISCUSSION

On May 2, Candidate Registrar Lorrie Brann sent an email to all of her assigned candidates notifying them that she was now their Candidate Registrar. On May 3, Mr. Alcorn responded to that email to say he would get the report in by midnight. He was also sent automatic reminder emails from the Commission's eFiling site two weeks, one week, and one day before the May 3, 2022 filing deadline.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$200.00, calculated as follows:

| Report | Deadline | Financial Activity | Penalty Rate | Days Late | Preliminary Penalty |
|---------------------------|-----------------|---------------------------|---------------------|------------------|----------------------------|
| 42-Day Pre-Primary Report | 05/03/2022 | \$10,000 | 2% | 1 | \$200.00 |

In his waiver request, Mr. Alcorn states he was working all day on the filing deadline. When he attempted to sign in to file the report, the system would not allow him in. In an attempt to correct the problem, he subsequently registered for Governor again. On May 4, Mr. Alcorn called Ms. Brann in response to an email requesting he file his report and explained that he did not have access to his campaign finance account. Ms. Brann checked his credentials in eFiling and discovered Mr. Alcorn had never signed into his campaign finance account after he was sent an automated email from eFiling with his username and a password, which was sent upon acceptance of his original registration on March 31. This was the same day that he was also sent an email from the Commission Assistant reminding him to sign into his campaign finance account in order to print, sign and return his registration form as required.

STAFF RECOMMENDATION

Timely campaign finance reports are an integral part of campaign finance transparency and disclosure. The legislature deemed timely filing to be of the utmost importance, as the statute requires late-filing penalties to increase by each day past the due date the report is filed. All campaigns, particularly experienced ones, are expected to pay attention to and meet all reporting deadlines, especially when multiple reminders are sent for each due date.

Historically, the Commission has reduced late-filing penalties against candidates to the \$200 - \$400 range for legislative and county candidates. The most recent examples are:

- from \$529.50 to \$350 – late 42-Day Post-Primary Report by Mark Lawrence
- from \$637.50 to \$250 – late July Semiannual Report by Robyn Stanicki

The Commission *declined* to waive preliminary penalties that were already below \$300:

- \$132.00 – late 42-Day Post-Primary Report by Mark Andre
- \$109.54 – late 11-Day Pre-General Report by Scott Gaiason

Mr. Alcorn is an experienced candidate who received a multitude of reminders for the filing deadline. His waiver request does not indicate any of the mitigating factors set out in statute. Therefore, the Commission staff recommends not reducing or waiving the \$200 penalty.

From: [Ethan](#)
To: [Brann, Lorrie J](#)
Subject: Letter of request to waive the penalty for late filing
Date: Tuesday, May 10, 2022 11:04:04 PM

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 Lorrie,
Please forward this letter to the Commission staff for review of my penalty for late filing.
Thank you.

To whom it may concern,
I am aware of the late penalty fine caused by late filing, and I would like to have the penalty waived for the following reason: I was attempting to file the report on the night it was due (I was out all day working), and doing so before the 11:59 pm deadline, when I attempted to log in and had to register. Upon registering, the computer system did not allow me to obtain a password. This blocked me from going any further in the goal of filing by the above deadline.

I promptly called your office out of frustration that evening, and left a voice mail. The next day your employee, Lorrie Brann, stated that I could have called earlier in the day and I would have been able to get password assistance. Although true, I said that I was busy, and that maybe the deadline should not be during hours when you aren't there.

This does not solve the question of today -my penalty- so all I would say is that would the commission be so kind as to grant me a waiver, or reduction, on the penalty, since it was a "technical error" although exacerbated by last minute filing, that caused the missed deadline.
Thank You for your time.

Sincerely,
Ethan Alcorn



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

May 5, 2022

Ethan W. Alcorn
492 Boom Road
Saco, ME 04072

Re: Notice of Violation and Penalty for Late-Filed 42-Day Pre-Primary Report

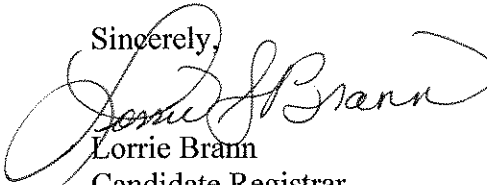
Dear Mr. Alcorn:

You were required to file the 42-Day Pre-Primary Report on May 3, 2022 by 11:59 p.m. (21-A M.R.S. § 1017 (2)(B)), but the report was not filed until May 4, 2022. Under the Commission's statutes, the late filing of a report triggers an enforcement process (21-A M.R.S. § 1020-A(4-A)). The Commission staff has made a preliminary finding of violation and determined the preliminary penalty for filing the report late is \$200.00. Please see the next page for the penalty calculation.

You may request the Commission waive the penalty in whole or in part or find 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 report was 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.

The Commission may waive or reduce the penalty or find there was no violation if it determines the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. (21-A M.R.S. § 1020-A(2)) The Commission may also consider whether the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff, or the harm to the public caused by the late disclosure.

The staff requests you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-4727 or lorrie.j.brann@maine.gov if you have any questions.

Sincerely,

Lorrie Brann
Candidate Registrar



STATE OF MAINE
Penalty Calculation
 COMMISSION ON LEGISLATIVE, JUDICIAL ETHICS
 AND ELECTION PRACTICES

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

| | | | |
|---|-------------|----------------------------|-------------|
| Filer: Ethan W. Alcorn | | | |
| Late-Filed Report: 42-Day Pre-Primary Report | | | |
| Contributions | \$10,000.00 | Penalty Base Amount | \$10,000.00 |
| Expenditures | \$7,574.49 | Percentage | 2% |
| Due Date | 05/03/2022 | Daily Accrual Rate | \$200.00 |
| Date Filed | 05/04/2022 | Days Late | 1 |
| Previous Violations | 0 | Your Total Penalty | \$200.00 |

Payment Statement and Payment Options

From: Ethan W. Alcorn

Penalty Amount: \$200.00

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
 135 State House Station
 Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



Commission on Governmental Ethics and Election Practices
 Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2022 CAMPAIGN FINANCE REPORT

FOR PRIVATELY FINANCED CANDIDATES

| COMMITTEE | | TREASURER | |
|--|------------|--|--|
| Mr. Ethan W Alcorn 492 Boom Road Saco, ME 04072 PHONE:(207) 468-3381 EMAIL: ethanaps@gmail.com | | Mr. Ethan W Alcorn 492 Boom Road Saco, ME 04072 PHONE:(207) 468-3381 EMAIL: ethanaps@gmail.com | |
| REPORT | DUE DATE | REPORTING PERIOD | |
| 42-Day Pre-Primary Report | 05/03/2022 | 01/01/2022 - 04/26/2022 | |

FINANCIAL ACTIVITY SUMMARY

| RECEIPTS | TOTAL FOR THIS PERIOD | TOTAL FOR CAMPAIGN |
|--|-----------------------|--------------------|
| 1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A) | | |
| 1A. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION(SCHEDULE A) <i>For party candidates, general election contributions will only appear on this line after the primary.</i> | \$10,000.00 | \$10,000.00 |
| 1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report) | | |
| 2. OTHER CASH RECEIPTS (INTEREST, ETC) | \$0.00 | \$0.00 |
| 3. LOANS (SCHEDULE C) | \$0.00 | \$0.00 |
| 4. TOTAL RECEIPTS | \$10,000.00 | \$10,000.00 |
| EXPENDITURES | | |
| 5. EXPENDITURES (SCHEDULE B) | \$7,574.49 | \$7,574.49 |
| 6. LOAN REPAYMENTS (SCHEDULE C) | \$0.00 | \$0.00 |
| 7. TOTAL PAYMENTS | \$7,574.49 | \$7,574.49 |
| CASH SUMMARY | | |
| 8. CASH BALANCE AT BEGINNING OF PERIOD | \$0.00 | |
| 9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4) | \$10,000.00 | |
| 10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7) | \$7,574.49 | |
| 11. CASH BALANCE AT END OF PERIOD | \$2,425.51 | |
| OTHER ACTIVITY | | |
| 12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1) | \$0.00 | \$0.00 |
| 13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C) | \$0.00 | |
| 14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D) | \$0.00 | |
| FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION) | | |

I, Ethan W. Alcorn, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Ethan W. Alcorn
 REPORT FILED ON: 5/4/2022 11:12:09 PM
 LAST MODIFIED:
 COMMITTEE ID: 426798

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more that \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

- | | |
|--|--|
| 1 = Individual | 9 = Candidate / Candidate Committee |
| 2 = Candidate/ Spouse/ Domestic Partner | 10 = General Treasury Transfer |
| 3 = Commercial Source | 11 = Transfer from Previous Campaign |
| 4 = Nonprofit Organization | 12 = Contributors giving \$50 or less |
| 5 = Political Action Committee | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee | 15 = MCEA Payment |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution |

| DATE RECEIVED | CONTRIBUTOR | EMPLOYER AND OCCUPATION | TYPE | ELECTION | AMOUNT |
|---|--|-------------------------|------|----------|-------------|
| 3/16/2022 | Ethan Weld Alcorn 492 Boom Rd. Saco, ME, 04072 | self Landscaper | 2 | General | \$10,000.00 |
| TOTAL CASH CONTRIBUTIONS FOR PRIMARY | | | | | \$0.00 |
| TOTAL CASH CONTRIBUTIONS FOR GENERAL | | | | | \$10,000.00 |

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES

| | | | |
|-----|--|-----|--|
| APP | Apparel (t-shirts, hats, embroidery, etc.) | CON | Contribution to party committee, non-profit, other candidate, etc. |
| EQP | Equipment of \$50 or more (computer, tablet, phone, furniture, etc.) | EVT | Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.) |
| FOD | Food for campaign events or volunteers, catering | HRD | Hardware and small tools (hammer, nails, lumber, paint, etc.) |
| LIT | Printed campaign materials (palmcards, signs, stickers, flyers, etc.) | MHS | Mail house and direct mail (design, printing, mailing, and postage all included) |
| NEW | Newspaper and print media ads only | OFF | Office supplies, rent, utilities, internet service, phone minutes and data |
| ONL | Social media and online advertising only | OTH | Other and fees (bank, contribution, and money order fees, etc.) |
| PER | Personnel and campaign staff, consulting, and independent contractor costs | PHO | Phones (phone banking, robocalls and texts) |
| POL | Polling and survey research | POS | Postage for U.S. Mail and mail box fees |
| PRO | Professional services (graphic design, legal services, web design, etc.) | RAD | Radio ads, production costs |
| TKT | Entrance cost to event (bean suppers, fairs, party events, etc.) | TRV | Travel (fuel, mileage, lodging, etc.) |
| TVN | TV/cable ads, production, and media buyer costs only | WEB | Website and internet costs (website domain and registration, etc.) |

| DATE OF EXPENDITURE | PAYEE | REMARK | TYPE | AMOUNT |
|---------------------|---|--|------|------------|
| 2/3/2022 | Masthead Media unknow address New York, NY, 10001 | reimb. to self for ad | NEW | \$1,084.00 |
| 2/11/2022 | Masthead Media unknow address New York, NY, 10001 | reimb. to self for ad | NEW | \$3,021.60 |
| 2/24/2022 | Masthead Media unknow address New York, NY, 10001 | reimb to self for ad | NEW | \$478.00 |
| 2/25/2022 | Masthead Media unknow address New York, NY, 10001 | reimb. to self for ad | NEW | \$478.00 |
| 2/26/2022 | McDonald's 388 Elm St. Biddeford, ME, 04005 | reimb. to self for food | FOD | \$5.93 |
| 2/26/2022 | Staples 201 MARINER WAY BIDDEFORD, ME, 04005 | reimb. to self for paper | OFF | \$14.23 |
| 3/4/2022 | Staples 201 MARINER WAY BIDDEFORD, ME, 04005 | reimb. to self for pens and clipboard | OFF | \$14.21 |
| 3/6/2022 | Staples 201 MARINER WAY BIDDEFORD, ME, 04005 | Reimb. to self for pens | OFF | \$2.63 |
| 3/7/2022 | Home Depot 550 Alfred Rd. Biddeford, ME, 04005 | reimb. to self for magnet (for banner) . | HRD | \$13.16 |
| 3/9/2022 | Masthead Media unknow address New York, NY, 10001 | reimb. to self for ad | NEW | \$2,086.00 |
| 3/10/2022 | Amatos 727 Roosevelt Trail Windham, ME, 04062 | reimb. to self for food | FOD | \$10.26 |

| | | | | |
|-----------|--|----------------------------------|-----|---------|
| 3/11/2022 | Staples 201 MARINER WAY BIDDEFORD, ME, 04005 | reimb. to self for post it notes | OFF | \$6.85 |
| 3/14/2022 | Staples 201 MARINER WAY BIDDEFORD, ME, 04005 | reimb. to self for clipboards | OFF | \$23.68 |
| 3/28/2022 | Bob and Mike's 4 Elm St. Biddeford, ME, 04005 | reimb. to self for gas | TRV | \$20.00 |
| 3/31/2022 | Bob and Mike's 4 Elm St. Biddeford, ME, 04005 | reimb. to self for gas | TRV | \$20.00 |
| 4/1/2022 | Citgo Big Apple Bethel 10 Railroad St. Bethel, ME, 04217 | reimb. to self for gas | TRV | \$30.01 |
| 4/1/2022 | Subway 292 Main St. Bridgton, ME, 04006 | reimb to self for food | FOD | \$7.12 |
| 4/3/2022 | Maine Turnpike Authority 2360 Congress St. Portland, ME, 04102 | reimb. to self for toll | TRV | \$1.00 |
| 4/4/2022 | Circle K 513 Alfred Rd Biddeford, ME, 04005 | reimbursement to self for gas | TRV | \$80.00 |
| 4/4/2022 | Maine Turnpike Authority 2360 Congress St. Portland, ME, 04102 | reimb. to self for toll | TRV | \$4.00 |
| 4/6/2022 | Burger King Travel Plaza Gray, ME, 04039 | reimbursement to self for food | FOD | \$8.20 |
| 4/6/2022 | Citgo PO Box 217 Gray, ME, 04039 | reimb. to self for gas | TRV | \$30.01 |
| 4/6/2022 | Food City Turner 1355-5Auburn Rd. Turner, ME, 04282 | reimbursement to self for food | FOD | \$13.49 |
| 4/6/2022 | Maine Turnpike Authority 2360 Congress St. Portland, ME, 04102 | reimb to self for toll | TRV | \$2.25 |
| 4/6/2022 | Maine Turnpike Authority 2360 Congress St. Portland, ME, 04102 | reimb. to self for toll | TRV | \$2.25 |
| 4/6/2022 | Maine Turnpike Authority 2360 Congress St. Portland, ME, 04102 | reimb. to self for toll | TRV | \$1.75 |
| 4/8/2022 | Shell 665 Elm St. Biddeford, ME, 04005 | reimb. to self for gas | TRV | \$40.00 |
| 4/20/2022 | Dunkin Donuts 580 Alfred St. Biddeford, ME, 04005 | reimb. to self for food | FOD | \$5.81 |

| | | | | |
|--|---|-------------------------|-----|-------------------|
| 4/20/2022 | McDonald's 388 Elm St. Biddeford, ME, 04005 | reimb. to self for food | FOD | \$5.05 |
| 4/21/2022 | Circle K 513 Alfred Rd Biddeford, ME, 04005 | reimb. to self for gas | TRV | \$50.00 |
| 4/22/2022 | Bob and Mike's 4 Elm St. Biddeford, ME, 04005 | reimb. to self for gas | TRV | \$15.00 |
| TOTAL EXPENDITURES FOR CANDIDATE: | | | | \$7,574.49 |

§ 1017. Reports by candidates

1. Federal candidates. [Repealed]

2. Gubernatorial candidates. A treasurer of a candidate for the office of Governor shall file reports with the commission as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year, other than a gubernatorial election year, in which the candidate or the candidate's political committee has received contributions in excess of \$1,000 or made or authorized expenditures in excess of \$1,000, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the candidate's treasurer as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete as of the 49th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election.

C. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date.

D. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

E. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

§ 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.


2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. 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.

4. [Repealed]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- 
- A. For the first violation, 2%;
 - B. For the 2nd violation, 4%; and
 - C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. [Repealed]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.