



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

To: Commissioners  
From: Emma Burke, Political Committee & Lobbyist Registrar  
Date: February 14, 2023  
Re: Request by Maine AFL-CIO COPE PAC for Waiver of Late-Filing Penalty Due to Late  
24-Hour Report

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The Maine AFL-CIO Committee on Political Education PAC (COPE) was required to file a 24-Hour Report no later than October 28, 2022, but it was filed on December 21<sup>st</sup>, 54 days late. The preliminary penalty for the late report is \$4,860. COPE requests a waiver of the penalty.

### **LEGAL REQUIREMENTS**

Any PAC or party committee that makes an expenditure in excess of \$1,000 in the 13 days before an election is held must file a report within 24 hours. 21-A M.R.S. § 1059(E). If a committee is late in filing a campaign finance 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. § 1020-A(4-A).

### **DISCUSSION**

On August 31, 2022, Political Committee & Lobbyist Registrar Emma Burke emailed a 2022 Fall Filing Guide to all principal officers, treasurers, and filing agents of PACs, party committees, and BQCs outlining the various reports that apply during the election period. Three individuals associated with COPE received this email: principal officer Cynthia Phinney, treasurer Christine Greenleaf, and authorized agent Matt Schlobohm.

On December 21<sup>st</sup>, COPE filed a 24-Hour Report, which was triggered when they entered transactions for the 42-Day Post-General Report. The expenditure reported in the 24-Hour Report was a \$4,500 donation to House Democratic Campaign Committee (HDCC).

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$4,860, calculated as follows:

<b>Report</b>	<b>Deadline</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
24-Hour Report	10/27/2022	\$4,500	2%	54	\$4,860

COPE’s waiver request from Mr. Schlobohm explains in the “hectic” time before the election, he mixed up the 24-hour reporting amounts, and believed the threshold for reporting expenditures was \$5,000, the same as the 24-hour reporting threshold for contributions. Mr. Schlobohm argues COPE’s penalty should be significantly reduced because the donation to the HDCC, while being above \$1,000, was “not a large contribution” and would not have “changed other entities [*sic*] actions or behaviors.” The waiver request also notes the belief the proposed penalty is disproportionate to the “minimal harm suffered by the public.”

#### **STAFF RECOMMENDATION**

24-Hour Reports are considered essential for public awareness prior to general elections. Without these reports, hundreds of thousands of dollars of critical fundraising and spending would not be disclosed until after the election. Thus, while committees were required to file October Quarterly Reports on October 5<sup>th</sup> and the 11-Day Pre-General Reports on October 28<sup>th</sup>, they were also required to file 24-Hour Reports within the 13 days prior to an election whenever they receive a single contribution of \$5,000 or more or make a single expenditure of \$1,000 or more.

Staff are sympathetic to the exceptionally busy two weeks before a statewide general election. However, Ms. Burke made sure to include Mr. Schlobohm on the August 31<sup>st</sup> email regarding the 2022 Fall Filing Guide, which discussed the 24-hour reporting period. The Filing Guide was also posted prominently on the homepage of the Commission’s website, and 24-Hour Reports are outlined in the Commission’s Committee Guidebook.

Since 2018, when considering requests by PACs and BQCs for waivers of preliminary penalties above \$1,000, the Commission staff has generally recommended penalties of *at least* \$750, understanding that the Commission may wish to assess a lower penalty when strong mitigating factors are present. In this instance, Mr. Schlobohm is the Executive Director of the Maine AFL-

CIO and is relatively experienced PAC filer with this office. He had access to ample resources and received multiple reminders regarding the 24-hour reporting period. Due to the \$5,000 reporting threshold for contributions, the HDCC did not report the donation from COPE until after the election, meaning the public was not privy to the \$4,500 donation in the timeline they are supposed to be. The Commission staff recommends reducing the penalty to \$750, which is consistent with three penalty decisions by the Commission in recent years: Mainers for Health and Parental Rights (January 2021), Energy PAC for Maine (March 2021), and Protect Maine Elections (October 2021). Thank you for your consideration of this memo.



# Maine AFL-CIO Committee on Political Education PAC

21 Gabriel Dr., Augusta, ME 04330 / (207) 622-9675

January 10, 2023

Emma Burke  
Political Committee & Lobbyist Registrar  
Maine Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333-0135

RE: Maine AFL-CIO Committee on Political Education PAC – Penalty Waiver Request

Dear Ms. Burke:

On behalf of the Maine AFL-CIO Committee on Political Education (COPE) PAC (hereafter COPE PAC or PAC), I write to request a waiver of the penalty issued by the Commission staff for the late filing of the October 28, 2022 24-Hour campaign contribution report. While the COPE PAC takes full responsibility for the filing error, the mistake outlined below was inadvertent. In the end, the PAC believes that a significant penalty reduction is warranted as the harm to the public was minimal and the PAC moved to rectify and communicate with Commission staff as soon as the error was discovered.

## **PAC BACKGROUND**

The Maine AFL-CIO is a federation of 200 local unions representing 40,000 workers. We seek to improve the lives and working conditions of all working people in Maine through organizing and support for collective bargaining, political action and policy work. We engage in elections by educating and mobilizing our members and also, in some cases, educating and engaging the general public.

The Maine AFL-CIO has a state PAC, the Maine AFL-CIO Committee on Political Education (COPE) PAC. The PAC is used for a variety of electoral purposes – sometimes to help cover the costs of adding additional election year staff, sometimes to communicate with the general public and sometimes to support our internal member communications.

## **FACTUAL SUMMARY**

On December 20, 2022, while filing our 42-Day Post-General report, we became aware of a filing mistake we had made in relation to a contribution our PAC made on October 25, 2022. On October 25, 2022 Maine AFL-CIO COPE PAC made a \$4500 contribution to the Maine House Democratic Campaign Committee. In

my head at the time, I made a foolish mistake by mixing up the \$5,000 and \$1,000 threshold for 24-hour reports. I had it in mind that the contributing PAC only had to file a 24-hour report when it was over \$5,000. It is, of course, the case that the contributing PAC has to file a 24-hour report when it contributes over \$1,000 and the receiving PAC has to file when it receives a contribution over \$5,000. In the very hectic final stages of election season, we mixed these two thresholds up and made an inadvertent, foolish mistake. We take full responsibility for that.

On December 20, 2022, while filing our 42 Day Post-General campaign finance report, we realized our mistake. We immediately contacted the Maine Ethics Commission to notify them of our error – an email was sent to Ms. Burke 12/20/22 at 10:36pm – and immediately filed the late 24-hour report.

While this October 25, 2022 contribution should have been reported on a 24-hour report harm done to the public was minimal. In the full landscape of election spending, this was not a large contribution. In our estimation, nothing about the contribution would have changed other entities actions or behaviors. And, finally, all of our PAC reports were reported in a timely and accurate manner; it just so happens that the next PAC report that included this contribution was due on December 20, 2022. While the COPE PAC takes full responsibility for not properly reporting the contribution, we believe that the proposed penalty is very disproportionate to the actual minimal harm suffered by the public due to the reporting error.

Please be assured that we do take our reporting obligations seriously. To that end, since this error has been realized, the PAC has taken the following steps to ensure that this kind of mistake does not happen again:

1. We plan to do a full Maine AFL-CIO team training at the beginning of the year and at the start of election seasons on all reporting requirements. We have committed to provide better annual training to all individuals involved with the PAC, especially individuals involved in the reporting and filing part of the process.
2. We have institutionalized a more comprehensive process to review all contributions, 24-hour reports and PAC reports so that there are always 2 – 3 people reviewing them to make sure that we don't make this kind of foolish mistake in the future. We feel this will ensure accuracy in the future.
3. We are in the process of reviewing all of our PAC systems to ensure that we have the strongest systems in place and that we have sound controls in place to prevent this kind of mistake as well as any other possible related mistakes in the future.

While we take full responsibility for this violation, the PAC believes that a fine of \$4,860 is quite disproportionate to the mistake and reporting error that was made. We believe that the de minimus harm suffered by the public is in no way commensurate with such a significant fine. As such, the PAC requests that the Commission significantly reduce the penalty to match the relative seriousness of the violation.

Sincerely,

*Matt Schlobohm*

Matt Schlobohm  
Executive Director, Maine AFL-CIO



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

January 13, 2023

Christine Greenleaf  
Maine AFL-CIO COPE PAC  
21 Gabriel Drive  
Augusta, Maine 04330

Re: Late Filing of Maine AFL-CIO COPE PAC's 24-Hour Report

Dear Christine:

The Commission staff has made a finding the Maine AFL-CIO COPE PAC was late in filing a 24-Hour campaign finance report. The report was due by 11:59 p.m. on October 28, 2022, but was not filed until December 21, 2022. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A). Based on the amount of financial activity in the report, the number of calendar days the report was late, and any history of violations from the committee, the Commission staff has determined a penalty of \$4,860 is owed. (Please see attached penalty matrix for the calculation.)

The committee may make a written request the Commission waive the violation or penalty in whole or in part. Any request for a waiver 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 committee filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty 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 the committee made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call (207) 287-4709 or send an email to [emma.burke@maine.gov](mailto:emma.burke@maine.gov) if you have questions.

Sincerely,

Emma Burke  
Political Committee & Lobbyist Registrar

PAYMENT RECEIPT  
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission  
135 State House Station  
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Christine Greenleaf  
Maine AFL-CIO COPE PAC  
21 Gabriel Drive  
Augusta, Maine 04330

**Violation:** Late 24-Hour Report  
**Amount Due:** \$4,860

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**Committee Name:** Maine AFL-CIO COPE PAC  
**Prior Violations:** 0

<b>Report Name</b>	<b>Activity Amount</b>	<b>Due Date</b>	<b>Days Late</b>	<b>Penalty Rate</b>	<b>Penalty</b>
24-Hour Report	\$4,500	10/28/2022	54	2%	\$4,860

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

**A penalty begins to accrue at 11:59 p.m. on the day the report is due.**

**A required report sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.**

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.

#### MAXIMUM PENALTIES

21-A M.R.S.A. Section 1020-A(5-A)

\$5,000 for Intendent Expenditure Reports, except if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



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](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

### 2022 CAMPAIGN YEAR

COMMITTEE		TREASURER	
MAINE AFL-CIO COMMITTEE ON POLITICAL EDUCATION PAC 21 Gabriel Drive Augusta, ME 04330 PHONE:(207) 622-9675 EMAIL: MATT@MAINEAFLCIO.ORG		Christine Louise Greenleaf 21 Gabriel Drive Augusta, ME 04330 PHONE:(207) 622-9675 EMAIL: chris@maineafcio.org	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	10/27/2022	10/26/2022-10/26/2022	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$4,500.00
3. TOTAL DEBTS	\$0.00

I, **Christine Louise Greenleaf**, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Christine Louise Greenleaf  
REPORT FILED ON: 12/21/2022 9:33:43 AM  
LAST MODIFIED:  
COMMITTEE ID: 281

## 24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/26/2022	HOUSE DEMOCRATIC CAMPAIGN COMMITTEE P.O. Box 2021 Augusta, ME, 04338	Contribution to Maine House Democratic Campaign Committee	CON	\$4,500.00
<b>TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:</b>				<b>\$4,500.00</b>

## Commission Penalty Decisions - PACs, BQCs, Party Committees (2018 - present)

Committee Name	Requested Waivers of Late-Filing Penalties	Preliminary Penalty	Final Penalty	Commission Meeting Date
<b>Waiver Requests</b>				
Maine United Auto Workers PAC	Late January Quarterly	\$400.00	\$400.00	04/25/18
Maine Health Care Assoc. PAC	Late 24-Hour Report	\$2,760.00	\$500.00	08/29/18
Fecteau Leadership PAC	Late 24-Hour Report	\$400.00	\$400.00	08/29/18
<b>Waiver Requests</b>				
New Mainers PAC	Late 24-Hour Report	\$10,000.00	\$1,000.00	03/06/19
Senate Democratic Campaign Committee	Late January Quarterly	\$1,010.50	\$750.00	04/24/19
Unite Portland PAC ( <i>Municipal</i> )	Late IE Report	\$5,000.00	\$1,250.00	12/18/19
Unite Portland PAC ( <i>Municipal</i> )	Late IE Report	\$2,052.16	\$750.00	12/18/19
<b>Waiver Requests</b>				
Women's Leadership Fund PAC	Late IE Report	\$100.00	\$50.00	08/11/20
Maine Truck PAC	Late 24-Hour Report	\$2,203.08	\$500.00	10/16/20
Revive Hometown Maine PAC	Late October Quarterly	\$510.00	\$250.00	10/30/20
<b>Waiver Requests</b>				
Mainers for Health and Parental Rights	Late 24-Hour Report	\$980.00	\$750.00	01/27/21
Kittery Democratic Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Madison Republican Committee of Maine	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
York Town Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	02/24/21
Energy PAC for Maine	Late 24-Hour Report	\$8,840.00	\$750.00	03/31/21
Protect Maine Elections	Late Initial Report	\$1,004.00	\$750.00	10/29/21
<b>Waiver Requests</b>				
Mainers for Local Power PAC	Late 24-Hour Report	\$300,000.00	\$25,000.00	02/28/22
Mainers for Local Power PAC	Late 24-Hour Report	\$98,500.00	\$10,000.00	02/28/22
No on 3: Right to Food is Wrong for Maine	Late 24-Hour Report (3)	\$932.00	\$300.00	02/28/22
Piscataquis County Republican Committee	Late January Semiannual Report	\$500.00	\$100.00	03/30/22
Waldo County Democratic Committee	2022 July Semiannual Report	\$181.21	\$60.40	09/28/22
Lincoln County Republican Committee	2022 July Semiannual Report	\$500.00	\$100.00	09/28/22
American Leadership Committee-Maine PAC	Late IE report Oct. Quarterly Report	\$679.88	\$679.88	11/30/22
Planned Parenthood Maine Action Fund	Late IE report	\$2,433.60	\$750.00	11/30/22
We the People PAC	Late IE report	\$5,000.00	\$1,000.00	11/30/22
We the People PAC	Late IE report	\$99.96	\$99.96	11/30/22
Steve LaFreniere	Late IE Report	\$1,090.00	\$200.00	12/21/22
York Voter Alliance	Late IE report	\$672.61	\$200.00	12/21/22
Androscoggin County Democratic Committee	Late 11-Day Pre-General Report	\$99.94	\$99.94	12/21/22
<b>Waiver Requests</b>				
Aroostook County Republican Committee	Late 11-Day Pre-General Report	\$500.00	\$100.00	01/30/23
Aroostook County Republican Committee	Late 24-Hour Report	\$120.00	\$120.00	01/30/23

<b>Late Major Contributor Decisions (2020 - present)</b>				
<b>Committee Name</b>	<b>Violation</b>	<b>Preliminary Penalty</b>	<b>Final Penalty</b>	<b>Commission Meeting Date</b>
<b>Waiver requests</b>				
Mainers for Local Power PAC	Late Major Contributor (2)	\$53,431.15	\$2,500.00	03/10/20
Maine Street Solutions - Protect Schools BQC	Late Major Contributor	\$25,000.00	\$2,000.00	05/27/20
Clean Energy Matters PAC	Late Major Contributor Notice	\$50,000.00	\$2,500.00	03/31/21
We the People PAC	Late Major Contributor Notice	\$11,500.00	\$2,500.00	05/26/21
Mainers for Local Power PAC	Late Major Contributor Notice	\$13,786.32	\$2,500.00	08/23/21
<b>Other Enforcement Decisions - Committees (2018 - present)</b>				
<b>Committee Name</b>	<b>Violation</b>	<b>Preliminary Penalty</b>	<b>Final Penalty</b>	<b>Commission Meeting Date</b>
<b>Other Violations</b>				
Sara Gideon Leadership PAC	Contributions Made in Name of Another		\$500.00	10/30/19
Working Families PAC	Failure to file 2020 October Quarterly; 11-Day Pre-General, 42-Day Post-General, and 2021 January Quarterly and April Quarterly campaign finance reports		\$3,750.00	05/26/21
Mainers for Fair Laws BQC	Missing Disclaimers in television ads		\$2,500.00	09/29/21
Working Families PAC	Over the limit contribution to Diane Russell senate campaign		\$285.00	09/29/21
American Leadership Committee-Maine PAC	Missing top three donors		\$10,000.00	11/30/22

**§1059. Report; filing requirements**

A committee required to register under section 1052-A or 1053-B shall file an initial campaign finance report within 7 days of registration or within 14 days of having been required to register, whichever comes first, and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [PL 2021, c. 217, §10 (AMD).]

**1. Contents; quarterly reports and election year reports.**  
[PL 2007, c. 443, Pt. A, §35 (RP).]

**2. Reporting schedule.** A committee shall file reports according to the following schedule.

A. A committee shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [PL 2019, c. 323, §24 (AMD).]

B. During any year in which primary and general elections are held, a committee shall file primary and general election reports in addition to the reports required under paragraph A:

- (1) On the 11th day before the date on which the election is held, which must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held, which must be complete as of the 35th day after that date.

A committee shall file primary and general election reports even if the committee did not engage in financial activity to influence the primary or general election. [PL 2019, c. 323, §24 (AMD).]

C. In any election year other than a year described in paragraph B, if a committee has received contributions or made expenditures for the purpose of influencing a ballot question election, a special election or a municipal candidate or referendum election subject to Title 30-A, section 2502, the committee shall file preelection and post-election reports:

- (1) On the 11th day before the date on which the election is held, which must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held, which must be complete as of the 35th day after that date. [PL 2019, c. 323, §24 (AMD).]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [PL 1991, c. 839, §29 (RPR).]

→ E. If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The 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. [PL 2019, c. 323, §24 (AMD).]

**§1062-A. Failure to file on time**

**1. Registration.** A political action committee required to register under section 1052-A, 1053-A or 1053-B or a ballot question committee required to register under section 1053-A or 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff. [PL 2019, c. 563, §18 (AMD).]

→ **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 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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; [PL 1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [PL 1999, c. 729, §9 (AMD).]

C. 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. [PL 2007, c. 443, Pt. A, §38 (AMD).]

[PL 2009, c. 190, Pt. A, §29 (AMD).]

→ **3. 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%; [IB 2015, c. 1, §9 (AMD).]

B. For the 2nd violation, 4%; and [IB 2015, c. 1, §9 (AMD).]

C. For the 3rd and subsequent violations, 6%. [IB 2015, c. 1, §9 (AMD).]

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

[IB 2015, c. 1, §9 (AMD).]

**4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for reports required under section 1053-A, 1056-B or 1059, 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.

[PL 2019, c. 563, §19 (AMD).]

**5. Request for a commission determination.** If the commission staff finds that a committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[PL 2019, c. 563, §20 (AMD).]

**6. Final notice of penalty.** After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the committee. A detailed summary of all notices must be provided to the commission.

[PL 2019, c. 563, §21 (AMD).]

**7. List of late-filing committees.** The commission shall prepare a list of the names of committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[PL 2019, c. 563, §22 (AMD).]

**8. Failure to file.** A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[PL 2003, c. 628, Pt. A, §8 (AMD).]

**8-A. Penalties for failure to file report.** The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000 or the amount of financial activity not reported, whichever is greater.

[IB 2015, c. 1, §11 (AMD).]

**9. Enforcement.** A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[PL 2009, c. 302, §10 (RPR).]

#### SECTION HISTORY

PL 1995, c. 483, §21 (NEW). PL 1999, c. 426, §34 (AMD). PL 1999, c. 729, §9 (AMD). PL 2003, c. 628, §§A7-9 (AMD). PL 2007, c. 443, Pt. A, §§38-41 (AMD). PL 2009, c. 190, Pt. A, §§28-31 (AMD). PL 2009, c. 302, §§8-10 (AMD). PL 2011, c. 389, §49 (AMD). PL 2013, c.