



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

To: Commissioners  
From: Erin Gordon, Candidate Registrar  
Date: January 23, 2023  
Re: Ronald Russell Waiver Request of Late-Filing Penalty for 24-Hour Report

---

Ronald Russell was a first time MCEA financed candidate in the 2022 general election for House District 17. Candidates who make any single transaction of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a 24-Hour Report. On October 28, Mr. Russell placed an ad with the Ellsworth American for \$1,513.20, which he was required to report by October 29. Mr. Russell's treasurer, his wife Jeanne, did not enter the transaction until she was preparing the 42-Day Post-General Report on December 20. The preliminary penalty for the late report is \$1,573.52 and the candidate seeks a waiver of the penalty.

### **LEGAL REQUIREMENTS**

Candidates must file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or loan, or make an expenditure or incur a debt of \$1,000 or more. 21-A M.R.S. § 1017(3-A)(C). If the candidate is late filing a 24-Hour Report, the Commission staff calculates a preliminary penalty that is determined 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).

The term "expenditure" includes "[a] purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office" and "[a] contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure." 21-A M.R.S. §§ 1012(3)(A)(1)&(2). The Commission has adopted a rule confirming that placing an order for a

good or service constitutes reportable expenditure, even if the order has not been paid for. 94-270 C.M.R. ch. 1 § 7(3).

## **DISCUSSION**

According to his waiver request, Rep. Russell, as a replacement candidate, did not start his campaign until August, and maintained a rigorous campaign schedule. Although he read and referenced both the Candidate Guidebook and Quick Guide (ETH 2-6) and reached out frequently to Candidate Registrar Erin Gordon with questions, and was accustomed to monitoring his inbox for emails from her as well as from the general [ethics@maine.gov](mailto:ethics@maine.gov) address, he missed references to the 24-Hour Reporting Period. When his treasurer, Jeanne Russell, logged into eFiling to prepare the 42-Day Post-General Report, the expenditure to the Ellsworth American triggered the reporting requirement and she filed the 24-Hour Report at that time, 52 days late.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$1,573.52, 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	10/29/22	\$1,513.20	2%	52	\$1,573.52

Mr. Russell requests a full or partial waiver of the penalty.

## **STAFF RECOMMENDATION**

The Commission staff does its utmost to provide candidates with clearly worded guidance and reminders to help them avoid common campaign finance reporting pitfalls, such as late-filed reports. Staff understands that most candidates, especially first-time candidates, do not run their campaigns with a team of professionals to assist them, and urges candidates to contact their assigned Candidate Registrar with questions. In addition to information in the 2022 Candidate Guidebook, the 2022 filing schedule, and Quick Guide regarding 24-Hour reporting, Candidate Registrar Lorrie Brann sent out an email on October 25, in advance of the 24-Hour Reporting Period, on the requirements to file. ETH-1. Finally, an October 19 reminder postcard for the

upcoming 11-Day Pre-General Report deadline contained additional references to the 24-Hour reporting period. ETH-7.

The 24-Hour reporting requirement serves to inform both the public and a candidate's opponent of large last-minute campaign activity before the election. Because Rep. Russell did not file a 24-Hour Report, his purchase of \$1,513.20 in advertising was not publicly disclosed until after the election on December 20, 2022.

Generally, since 2018, the Commission has waived late-filing penalties against legislative candidates downward to a range of \$300-\$400, for example:

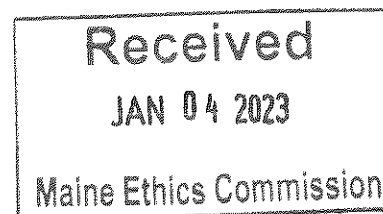
- from \$529.00 to \$350.00 – late 42-Day Post-Primary Report by Mark Lawrence in 2020
- from \$637.50 to \$250.00 – late July Semiannual Report by Robyn Stanicki in 2021
- from \$3,744.00 to \$400.00 – late 24-Hour Report by Cathleen Nichols in 2019

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

- \$50.00 – late 24-Hour Report by Troy Jackson in 2021
- \$34.90 – late 42-Day Post-Primary Report by John Chambers in 2022
- \$18.03 – late 42-Day Post-Primary Report by Benjamin Meiklejohn in 2022

The Commission staff recommends reducing Rep. Russell's penalty to \$350. None of the mitigating circumstances listed in 21-A M.R.S. § 1020-A(2) are present in this matter, but the preliminary penalty of \$1,573.52 is disproportionately high to the degree of public harm and the level of experience of the candidate. The Commission regularly finds a violation and assesses a penalty even when a candidate has failed to file a campaign finance report for good faith reasons in order to underscore the importance of filing reports on time. Balancing the lack of mitigating circumstances set out in 21-A M.R.S. § 1020-A(2), the clear notice to candidates to file 24-Hour Reports, and the proportionality factors of public harm and level of experience, we believe \$350 is an appropriate penalty for this violation.

December 29, 2022  
State of Maine  
Commission on Government Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333



Re: Notice of Violation and Penalty for Late-Filed 24-Hour Report

To the Commission:

I would like to request the penalty that I have incurred due to the late filing of a 24 Hour Report required in my Clean Election Campaign be waived in full or in part. I was a replacement candidate that was not able to start my campaign until well into August of 2022. In the beginning I concentrated on raising Seed Money, spending it on items to start a campaign, filing the Seed Money Report, and doing both by the deadline. Then I transitioned to beginning my door-to-door campaign and soliciting \$5 QCs to reach 60 to become a certified Clean Election candidate. Being retired, I maintained a rigorous 6 day a week 7 hour a day door-to-door campaign, while continuing to solicit \$5 QCs. Soon I received a 2022 Candidate Guidebook and 2022 Candidate Quick Guide both directed to Maine Clean Election Candidates. I studied both thoroughly early on and referenced them when needed.

As the campaign progressed, I received regular mailing reminders about up-coming reports that were due. I received regular email reminders of reports due from Erin Gordon and [ethics@maine.gov](mailto:ethics@maine.gov). When you include emails about successful reporting and answers to questions I had (from Erin), I received close to 40 emails from these two sources. I also became a regular caller to Erin especially when filing deadlines approached. Erin became my go to contact and was excellent to work with. My contact outside of Erin and the generic [ethics@maine.gov](mailto:ethics@maine.gov) only consisted of two emails from Martha Currier about a general report about my income which I did when requested. And then one email from someone I did not recognize, Lorrie J Brann, on 10/25/2022 concerning 24 Hour reports and the approaching 13-day period. It was a very explanatory well-crafted email which unfortunately I did not review until researching how I missed doing this report.

In fact, I made a call to Erin in the midst of helping my wife, my campaign Treasurer, file the 42 Day Post General Report about this 24 Hour Report that just popped up. It was kicked off by our reporting of the \$1,513.20 expense on the 42 Day Report we were working on. We filed the 24 Hour Report that night with the 42 Day Post General Report.

Of course, none of this changes that my campaign missed making the report when it should have been made. The error was not intentional in any way. I just missed it in the hectic nature of the campaign.

I will end with two things. One a compliment which I have previously expressed to Erin. I found the Maine Clean Election Act and Process to be excellent and a model that should be copied throughout the country including our federal elections. It might not fix all our election woes, but it would go a long way towards much needed improvements. The help I did receive from Erin was above 5 stars and for that matter Lorrie too if I had only given her email a look when I received it. Second, I'll make a suggestion about adding to the Guidebook and Quick Guide a **real example with numbers** of how costly an inadvertent mistake in missing a 24 Hour Report can be. Please feel free to use my numbers to show that a penalty could exceed the expense just between reports. I am sure that would have gotten my attention on the first read.

Best regards,

A handwritten signature in black ink, appearing to read "Ronald Russell".

Representative Ronald Russell HD17  
PO Box 353  
Verona Island, ME 04416



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

December 21, 2022  
Ronald Russell  
PO Box 353  
Bucksport, Maine 04416

**Re: Notice of Violation and Penalty for Late-Filed 24-Hour Report**

Dear Mr. Russell:

You were required to file a 24-Hour Report on October 29, 2022 by 11:59 p.m. (21-A M.R.S. § 1017 (3-A)(C)), but the report was not filed until December 20, 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 \$1,573.52. 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](http://www.maine.gov/ethics) by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or [erin.gordon@maine.gov](mailto:erin.gordon@maine.gov) if you have any questions.

Sincerely,



Erin Gordon  
Candidate Registrar

## Penalty Calculation

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 1<sup>st</sup> 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

<b>Filer:</b> Ronald Russell			
<b>Late-Filed Report:</b> 24-Hour Report			
<b>Contributions</b>	\$0.00	<b>Penalty Base Amount</b>	\$1,513.20
<b>Expenditures</b>	\$1,513.20	<b>Percentage</b>	2%
<b>Due Date</b>	10/29/2022	<b>Daily Accrual Rate</b>	\$30.26
<b>Date Filed</b>	12/20/2022	<b>Days Late</b>	52
<b>Previous Violations</b>	0	<b>Your Total Penalty</b>	\$1,573.52

---

### Payment Statement and Payment Options

**From:** Ronald Russell

**Penalty Amount:** \$1,573.52

**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](http://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](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	
Mr. Ronald B Russell 13 Russell Lane, PO Box 353 Verona Island, ME 04416 PHONE:(207) 735-4450 EMAIL: ronrussell713@gmail.com		Mrs. Jeanne Russell P.O. Box 353 Bucksport, ME 04416 PHONE:(207) 735-5548 EMAIL: Veronaislandflowers@yahoo.com	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	10/29/2022	10/28/2022-10/28/2022	

### FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$1,513.20
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: Jeanne Russell  
REPORT FILED ON: 12/20/2022 9:15:54 PM  
LAST MODIFIED:  
COMMITTEE ID: 453020

## 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
10/28/2022	Ellsworth American 1 Printing House Square Ellsworth, ME, 04605	newspaper ad	NEW	\$1,513.20
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$1,513.20</b>