



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: September 14, 2022
Re: Request by David Burns on behalf of John Chambers for Waiver of Late-Filing Penalty
for 42-Day Post-Primary Report

Candidates who participated in the 2022 primary election were required to file a 42-Day Post-Primary campaign finance report on July 26, 2022. John Chambers is a traditionally financed, first time candidate in the 2022 general election for House District 9. His treasurer, David Burns, is a former State Senator and experienced treasurer. Mr. Burns logged in on July 25 and added the transactions for the reporting period, but did not file the report until July 27, one day late, and is seeking a waiver of the preliminary penalty.

LEGAL REQUIREMENTS

Candidates participating in an election, either primary or general, must file a report by the 42nd day after the date on which the election was held, and the report must be complete as of the 35th day after the election. 21-A M.R.S. § 1017(3-A)(D). When a candidate files a report late 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

Prior to the July 26 deadline the Commission’s eFiling website sent automatic email reminders of the 42-Day Post-Primary Report to all registered users who were scheduled to file it.

Registered users include both candidate and treasurer, and any authorized agents named by the campaign. The automated reminders are sent two weeks, one week, and one day before the deadline if the report has not yet been filed. On the afternoon of July 26 Candidate Registrar Erin Gordon also directly emailed all candidates, including John Chambers, who had not yet filed to remind them of the report deadline. The email began, “You are receiving this email because you are required to file the 42-Day Post-Primary Report and have not yet filed it,” and urged recipients to contact her with any questions.

The eFiling website sends an additional email just after the midnight deadline informing registered users who have failed to file the report on time. When Mr. Burns received this email on the morning of July 27, he logged into eFiling and filed the report.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$34.90, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Post-Primary Report	07/26/22	\$1,745.00	2%	1	\$34.90

In a letter dated July 27, 2022, Mr. Burns asks that the Commission waive the preliminary penalty, because he made a bona fide effort to file the report a day early, on July 25.

STAFF RECOMMENDATION

Mr. Burns explains in his letter that he pressed the “file report” button after entering all transactions on Monday, July 26, and was under the impression he had done everything correctly. He was traveling the next day, July 27, and did not think to look for a confirmation email. He cites his good faith effort to file and the complexity of the eFiling site as reasons for requesting the penalty waiver.

Though John Chambers is a first-time candidate, Mr. Burns is an experienced treasurer who has successfully filed a previous report for Mr. Chambers this cycle, as well as all reports for candidate Kimberley Robinson in 2020. The eFiling site has multiple functions that filers can use to *immediately* confirm to filers that they have successfully filed the report:

- Upon successful filing, a confirmation message pops up temporarily to assure the filer the report has been filed;
- Upon successful filing, a confirmation email is sent to all registered users for the campaign, including both candidate and treasurer;
- Once a report is filed, the report is displayed in the Filed section on the View/File Reports tab on the candidate's eFiling account, accompanied by a filed date;
- Once a report is filed, the report is displayed in the Recently Filed Reports section on the candidate's eFiling home page;
- If a report that is due soon, or is overdue, remains unfiled, there is a notice at the top of the candidate's eFiling home page;
- If a report remains unfiled and overdue, the report is displayed in the Unfiled section on the View/File Reports tab on the candidate's eFiling account, accompanied by a due date in red text and a report status stating 'Past Due' also in red text; and
- If a report is not filed on time, an email is sent out the next morning to all associated registered users stating the report is not filed and is overdue.

It is reasonable to expect candidates, treasurers, and other filers to take advantage of these on-screen and email confirmations, similar to those available in many other online contexts such as making a purchase, paying a bill, or renewing a license. Although Mr. Burns takes responsibility for the late filing, Mr. Chambers, as the candidate, received all the same automated reminders and the additional direct reminder from Ms. Gordon on the day of the deadline and failed to contact Ms. Gordon to question receipt of that email.

Generally, since 2018, the Commission has waived late-filing penalties against 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
- from \$637.50 to \$250.00 – late July Semiannual Report by Robyn Stanicki
- from \$3,744.00 to \$400.00 – late 24-Hour Report by Cathleen Nichols

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

- \$50.00 – late 24-Hour Report by Troy Jackson
- \$132.00 – late 42-Day Post-Primary Report by Mark Andre
- \$109.54 – late 11-Day Pre-General Report by Scott Gaiason.

We do not recommend reducing Mr. Chambers' original penalty from \$34.90, as it falls well below the range of \$300-\$400. The factors that caused the delay in his filing were avoidable and the penalty amount is not disproportionate.

Thank you for your consideration of this memo.

David C Burns

159 Dodge Rd. Whiting 04691

Senatorburns.maine@gmail.com

July 27, 2022

Maine Ethics Commission

135 State House Station

Augusta, ME 04333-0135

Dear Commissioners;

I am the treasurer for House candidate John V Chambers of Calais. Mr. Chambers received notice today of a penalty of \$34.90 for filing the "42 Day Post Primary Report" a day late. Ms. Gordon informed me that I could write this letter to the Commission requesting a "waiver" of the penalty on behalf of Mr. Chambers, as I am the person that compiled and filed the report.

I am requesting such waiver based upon "mitigating circumstance # 3. A "bona fide effort" was made on my part as treasurer to file this report on July 25th, a day in advance of the deadline of the 26th. I had spent the entire morning preparing the report, including making calls and massaging to clarify aspects of the donation and expenditures, such as employment and dates. I also was in contact with Ms. Gordon more than once with questions. I had attempted to file the report on Saturday the 23rd, however, the system would not allow me to sign on with the user name and passcode I had used previously. Apparently the ampersand character at the end of my pass code was no longer recognized in your system. I contacted Ms. Gordon early Monday morning and she explained that the ampersand would not work. I changed my pass code and proceeded to enter to appropriate information and file the report. Upon completion, I did press "file report", however, I apparently did not do so correctly! I was sincerely under the impression that I had done everything correctly and properly filed the report. I was traveling on Tuesday and did not consider that I would receive an automatic response that the report had been filed.

As I have explained to Ms. Gordon, I find the reporting system to be very complicated for someone not familiar with this format, requiring one to follow prescribed steps precisely in order to make entries. It is particularly complicated when several months pass between filings. I

have had to call and email for assistance more than I care to admit and occasionally need to be guided step by step through some aspects. As you know, I had the same treasurer through my four terms in the House and Senate. My treasurer, John Sprague, a retired educator, also had to call the Commission for assistance many times in order to file my reports. I hope that the Commission is aware of this concern and takes this into consideration in considering my request for this waiver for Mr. Chambers!

Respectfully,

David C Burns

(207-557-6185)

July 27, 2022
John Chambers
152 South Street
Calais, Maine 04619

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

Dear Mr. Chambers:

You were required to file the 42-Day Post-Primary Report on July 26, 2022 by 11:59 p.m. (21-A M.R.S. § 1017 (3-A)(D)), but the report was not filed until July 27, 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 \$34.90. 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) 287-3651 or 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 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: John Chambers			
Late-Filed Report: 42-Day Post-Primary Report			
Contributions	\$1,745.00	Penalty Base Amount	\$1,745.00
Expenditures	\$1,589.51	Percentage	2%
Due Date	07/26/2022	Daily Accrual Rate	\$34.90
Date Filed	07/27/2022	Days Late	1
Previous Violations	0	Your Total Penalty	\$34.90

Payment Statement and Payment Options

From: John Chambers

Penalty Amount: \$34.90

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. John Victor Chambers 152 South Street Calais, ME 04619 PHONE:(207) 952-0240 EMAIL: usacanjc@gmail.com		Mr. David C Burns 159 Dodge Road Whiting, ME 04691 PHONE:(207) 733-8856 EMAIL: senatorburns.maine@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-Day Post-Primary Report	07/26/2022	06/01/2022 - 07/19/2022	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A)	\$0.00	\$1,160.50
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>	\$1,745.00	\$1,745.00
1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)	\$0.00	\$0.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$1,745.00	\$2,905.50
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$1,589.51	\$2,750.01
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$1,589.51	\$2,750.01
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$1,745.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$1,589.51	
11. CASH BALANCE AT END OF PERIOD	\$155.49	
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, David C Burns, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: David C Burns
 REPORT FILED ON: 7/27/2022 7:18:32 AM
 LAST MODIFIED:
 COMMITTEE ID: 405896

SCHEDULE A CASH CONTRIBUTIONS

- For contributors who gave more than \$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

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	ELECTION	AMOUNT
7/10/2022	Brian Good 817 Main Street Calais, ME, 04619	Unkown Science/Technology	1	General	\$250.00
7/10/2022	Britani Holloway 1362 US Rt 1 Perry, ME, 04667	45th Parallel Retail Sales	1	General	\$250.00
7/10/2022	Contributors giving \$50 or less		12	General	\$495.00
7/10/2022	Linda Shattuck PO Box 496 Caiais, ME, 04619	unkown Science/Technology	1	General	\$100.00
7/10/2022	Peter McCoubrey 115 Conant Hill Rd Meddybemps, ME, 04657	Woodland Pulp and Paper LLC, Baileyville Maine Manufacturing Employed at Woodland Pulp and Paper LLC	1	General	\$100.00
7/10/2022	William Howard 645 River Road Calais, ME, 04619	Due East Realty Real Estate Professional	1	General	\$100.00
7/13/2022	Drew Case 103 Barker Street Calais, ME, 04619	Case Rentals Retail Sales	1	General	\$250.00
7/16/2022	David Whitney 250 Ridge Road Marshfield, ME, 04654	Self employed. Whitney Corporation Clergy/Faith-based	1	General	\$200.00
TOTAL CASH CONTRIBUTIONS FOR PRIMARY					\$0.00
TOTAL CASH CONTRIBUTIONS FOR GENERAL					\$1,745.00

**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
6/14/2022	Cabin Fever Embroidery and Graphics P.O. Box 1254 Calais, ME, 04619	Lawn signs	LIT	\$839.51
6/28/2022	Calais Advertiser 23 Church Street Calais, ME, 04619	Newspaper add	NEW	\$700.00
7/15/2022	Cabin Fever Embroidery and Graphics P.O. Box 1254 Calais, ME, 04619	signs	LIT	\$50.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$1,589.51

Gordon, Erin

From: Gordon, Erin
Sent: Tuesday, July 26, 2022 2:02 PM
Subject: DUE TODAY: 42-Day Post-Primary Report

Good afternoon,

You are receiving this email because you are required to file the 42-Day Post-Primary Report and have not yet filed it. The report must be filed online at www.mainecampaignfinance.com by 11:59 p.m. tonight. Please ensure that you can log into your eFiling account before 5:00 p.m. today so that I can assist you with username or password issues before I leave the office.

Please let me know if you have any questions. Thank you,

Erin Gordon

Candidate Registrar

Maine Ethics Commission

(207) 287-3651 | www.maine.gov/ethics

135 State House Station, Augusta, ME 04333-0135

45 Memorial Circle, Augusta, ME

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph E must be reported as provided in this paragraph. The treasurer of a candidate or political committee with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election.

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election.

3. Other candidates. [Repealed]

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk 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 in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, 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 treasurer of the candidate 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 11th day before the date on which an election is held and must be complete as of the 14th 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 14th day before the election.

C. 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 any election and more than 24 hours before 11:59 p.m. on the day of any 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.

→ D. 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.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State’s fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

3-B. Accelerated reporting schedule. [Repealed]

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate’s appointment or at least 6 days

§ 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.