



To: Commission
From: Erin Gordon, Candidate Registrar
Date: October 6, 2021
Re: Request by Robyn Stanicki for Waiver of Late-Filing Penalty for 2021 July
Semiannual Report

Ms. Robyn Stanicki was a traditionally financed candidate in the July 14, 2020 primary election for the Maine Senate, District 11. Ms. Stanicki was unsuccessful in the primary but had a remaining cash balance of more than \$100 when her campaign ended.

Candidates are required to continue reporting semiannually every January 15th and July 15th until their surplus funds have been properly dispensed and their reported cash balance is under \$100.

Ms. Stanicki was required to file the 2021 July Semiannual Report on July 15, 2021. She did not file the report until September 10, 2021, 57 days late. The preliminary penalty for this late-filed report is \$632.75; Ms. Stanicki is requesting a waiver of the preliminary penalty.

LEGAL REQUIREMENTS

Candidates are required to file post-election semiannual reports with the Commission as long as they retain more than \$100 in surplus funds. 21-A M.R.S. § 1017(3-A)(E). If the candidate is late in filing a semiannual 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 Commission staff notifies the candidate of the preliminary

penalty and requests that the candidate pay the penalty or request a waiver. Candidates may request a waiver for reasons set out in statute:

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.

21-A M.R.S. § 1020-A(4-A).

DISCUSSION

Robyn Stanicki had successfully filed one semiannual report in January prior to the 2021 July Semiannual Report deadline. Like all other candidates assigned the July report, she received reminders both by email and US Mail. On July 16, 2021, when her report showed as unfiled, Candidate Registrar Erin Gordon reached her by phone to remind her of the report and offered to assist Ms. Stanicki with filing it. During that conversation, Ms. Stanicki stated she had expenditures to report but she did not have the records with her at the time, and so she would complete the report herself as soon as possible.

In her waiver request, Ms. Stanicki writes that she had been dealing with a personal health issue around the time of the reporting deadline, which made it difficult for her to focus her energies anywhere else. In that same time period, she relocated with her family and had to sort out educational support for her son as summer ended and school began.

Following statutory procedure, Ms. Gordon sent notices by US Mail of non-filing to the address on record for Ms. Stanicki, dated July 20 and July 27. Ms. Gordon also attempted to reach Ms. Stanicki again by phone and left voicemail reminders about the unfiled report. On September 8, 2021, Ms. Gordon prepared a final notice of non-filing, which was sent by both first-class and certified mail, as well as by email. Ms. Stanicki responded to that email.

Over the next two days, Ms. Stanicki attempted to resolve a discrepancy between the reported cash balance of the 2021 January Semiannual Report and the actual cash balance in her campaign bank account. Once she had been able to do so, she filed the 2021 July Semiannual Report on September 10, 2021, 57 days late.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$632.75, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
2021 July Semiannual Report	07/15/2021	\$555.04	2%	57	\$632.75

In a letter dated September 21, 2021, Ms. Stanicki requests a full or partial waiver of the preliminary penalty, citing the confluence of complex personal issues that diverted her attentions away from filing the 2021 July Semiannual Report.

STAFF RECOMMENDATION

In April 2018, the Commission made the policy decision to double its final penalty determinations, in response to a 2015 citizen initiative which doubled the rate of late-filing penalties. Since the 2018 elections, the Commission staff typically has recommended reducing late-filing penalties against legislative and county candidates to a range of \$300 - \$400 (chart attached), for example:

- from \$432.00 to \$250 – late 42-Day Post-Primary Report by John Tuttle¹
- from \$2,011.85 to \$400 – two late 24-Hour Reports by Mark Remick (combined penalty), and
- from \$529 to \$350 – late 42-Day Post Primary Report by Mark Lawrence.

In this case, the Commission staff recommends reducing Ms. Stanicki's preliminary penalty to \$250. Ms. Stanicki was a first-time candidate who lost her contested primary election in July of 2020. Her campaign was relatively small (about one-half the size of many general election campaigns), and all other reports had been filed on time. The preliminary penalty is disproportionate to any harm to the public caused by the late filing of a report due more than one year past her July 2020 primary election. The health issues and other personal matters that genuinely required her focus during the summer of 2021 are the kind of mitigating circumstances we believe warrant a significant reduction of the penalty.

Thank you for your consideration of this memo.

¹ In the case of Rep. Tuttle, the Commission decided on a penalty (\$250) that was below the \$300-\$400 range because his treasurer made an effective presentation that he genuinely tried to file the report (including calling our office during business hours) but was prevented because he misunderstood his password.

**Decisions on Late-Filing Penalty Waiver Requests - Candidates
(2018 - present)**

Candidate	Type of Late Report/Other Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Legislative and County candidates				
Ian Schwartz	Late 24-Hour Report	\$384.37	\$300.00	08/29/18
Danny Costain	Late 24-Hour Report	\$2,991.36	\$300.00	08/29/18
Jeffrey Slocum	Late July Semiannual	\$112.00	\$112.00	08/29/18
Mark Lawrence	11-Day Pre-Primary (not compliant)	\$1,739.73	\$400.00	09/26/18
John Tuttle, Jr.	Late 42-Day Post Primary	\$432.00	\$250.00	09/26/18
Dana Dow	Late 24-Hour Report	\$115.93	\$115.93	11/28/18
Jan Collins	Late 24-Hour Report	\$2,565.38	\$300.00	12/19/18
Cathleen Nichols	Late 24-Hour Report	\$3,744.00	\$400.00	03/06/19
James LaBrecque	Late 42-Day Post General	\$235.03	\$235.03	03/06/19
Mark Remick	Late 24-Hour Report (2)	\$2,011.85	\$400.00	03/06/19
Philip Spiller (<i>Municipal</i>)	Late 24-Hour Report (3)	\$2,395.28	\$900.00	12/18/19
Mark Lawrence	Late 42-Day Post Primary	\$529.50	\$350.00	10/16/20
Brian Redmond	Late 42-Day Post Primary	\$84.00	\$84.00	10/16/20
Mark Andre	Late 42-Day Post Primary	\$132.00	\$132.00	10/16/20
Jeffrey Pierce	Late 42-Day Pre-General	\$40.37	\$40.37	10/30/20
Troy Jackson	Late 24-Hour Report	\$50.00	\$50.00	01/27/21
Scott Gaiason	Late 11-Day Pre-General Report	\$109.54	\$109.54	01/27/21
Governor				
James Boyle	Late January Semiannual	\$1,000.00	\$500.00	03/28/18
Mark Eves	Late 24-Hour Report (2)	\$1,378.70	\$500.00	09/26/18

**Other Enforcement Decisions - Candidates
(2018 - present)**

Candidate	Type of Late Report/Other Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
Other Violations				
Diane Russell	Substantially Non-Compliant January Semiannual		\$100.00	05/30/18
Diane Russell	Substantially Non-Compliant 42-Day Pre-Primary		\$200.00	05/30/18
Cynthia Soma-Hernandez	Commingling funds		\$100.00	12/19/18
John Clark	MCEA Violation-Contributions after Certification		\$250.00	03/06/19
Stephen Ball	Commingling of funds		\$100.00	06/04/19
Edward Cohen	Failure to Register		\$100.00	05/27/20
Steve Collins	No Disclaimer on Signs		\$200.00	12/18/20
William Guerrette	No Disclaimer on Signs		\$0.00	03/08/21
Diane Russell	Failure to file January 2021 Semiannual Report		\$750.00	05/26/21

Maine Ethics Commission
135 State House Station
Augusta, Maine 04333

September 21, 2021

Dear Members of the Commission:

This letter requests a waiver of some or all of the penalty assessed on my late filing for the Candidate Report due 07/15/2021. During the filing, I found a number of errors in the previous report which did not match my bank statements. I planned to report expenses for annual subscriptions billed in April 2021. but this would have put the reported balance in the negative. Instead, I still had a positive balance over \$200 in the account.

This summer I was dealing with considerable issues of a personal and professional nature. These may not be considered an emergency on their own, but collectively caused me significant stress that amounted to enough that it affected my effort and ability to file on time. In addition to a major health issue, I encountered a significantly complex issue for my child as well which required a lot of time and attention. New financial pressures on the family prompted me to take a second job. While navigating this schedule, I was communicating with Erin Gordon from the Commissioner's office and tried to work on these bank statements, to look at where the discrepancies in accounting actually were. It was overwhelming and the calls to her office waned, and I missed the deadline to file. I will admit that I should have just submitted what I had, however I was also embarrassed that I had somehow made errors in a report amounting to \$200 or more.

I found that the surplus in the bank account was caused by a donation that was returned to the donor, yet the check was never cashed. Other errors in the reports showed another reported donation but never deposited, and a few expenses that were reported multiple times due overlapping dates. After filing, I realized that the most recent expenses would not have been drawn from the campaign account and I would have chosen to pay for these out of my own pocket or discontinued the subscriptions. These errors tangled up my report and I just didn't have the capacity for the mess.

I understand this is a tornado of excuses, and singularly I cannot point out one scenario that is responsible for my late filing. If you deny this request I can understand this decision by simple rule. However, I hope that I have conveyed how chaotic this summer has been, with moving, health, job and school issues--all of those major factors that affect family stability. With these in mind, I hope that you will consider reducing the amount of my fines.

Sincerely,

Robyn M. Stanicki
76 Firehouse Ln
Unity, ME 04988

September 10, 2021

Robyn Stanicki
37 Northport Avenue
Belfast, Maine 04915

Re: Notice of Violation and Penalty for Late-Filed 2021 July Semiannual Report

Dear Ms. Stanicki:

You were required to file the 2021 July Semiannual Report on July 15, 2021 by 11:59 p.m., but the report was not filed until September 10, 2021. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$632.75. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the 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 that there was no violation if it determines that 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. 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 that 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

cc:

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: Robyn Stanicki			
Late-Filed Report: 2021 January Semiannual Report			
Contributions	\$245.98	Penalty Base Amount	\$555.04
Expenditures	\$555.04	Percentage	2%
Due Date	July 15, 2021	Daily Accrual Rate	\$11.10
Date Filed	September 10, 2021	Days Late	57
Previous Violations	0	Your Total Penalty	\$632.75

Payment Statement and Payment Options

From: Robyn Stanicki

Penalty Amount: \$632.75

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

2021 CAMPAIGN FINANCE REPORT FOR PRIVATELY FINANCED CANDIDATES

COMMITTEE		TREASURER	
Robyn M Stanicki 37 Northport Avenue Belfast, ME 04915 PHONE:(207) 907-0708 EMAIL: rsstanicki@gmail.com		Michele Littlefield 10 Pinkham Road Glenburn, ME 04401 PHONE: EMAIL: michele.littlefield@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
2021 July Semiannual Report	07/15/2021	01/01/2021 - 06/30/2021	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A)	\$245.98	\$2,512.98
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>	\$0.00	\$0.00
1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)		\$0.00
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$500.00
4. TOTAL RECEIPTS	\$245.98	\$3,012.98
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$555.04	\$2,512.98
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$500.00
7. TOTAL PAYMENTS	\$555.04	\$3,012.98
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$309.06	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$245.98	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$555.04	
11. CASH BALANCE AT END OF PERIOD	\$0.00	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$75.55
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, Michele Littlefield, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: ERIN GORDON on behalf of Michele Littlefield
REPORT FILED ON: 9/10/2021 10:04:36 AM
LAST MODIFIED:
COMMITTEE ID: 363655

**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
4/14/2021	Robyn Young 37 Northport Ave Belfast, ME, 04915	Dartmouth College Teacher/Education	2	Primary	\$225.98
4/14/2021	Robyn Young 37 Northport Ave Belfast, ME, 04915	Dartmouth College Teacher/Education	2	Primary	\$245.98
TOTAL CASH CONTRIBUTIONS FOR PRIMARY					\$245.98
TOTAL CASH CONTRIBUTIONS FOR GENERAL					\$0.00

**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
4/16/2021	Square Space, inc. 225 Varick St NY, NY, 10014	Hosting renewal	WEB	\$216.00
4/16/2021	Square Space, inc. 225 Varick St NY, NY, 10014	Domain name	WEB	\$20.00
4/18/2021	Canva 37 Northport Ave Belfast, ME, 04915	Design fees	PRO	\$299.04
6/1/2021	Square Space, inc. 225 Varick St NY, NY, 10014	website fees	WEB	\$20.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$555.04

**SCHEDULE C
LOANS/LOAN PAYMENTS**

LOAN TRANSACTIONS FOR THIS REPORTING PERIOD						
Lender	Type	Original Loan Date	Original Loan Amount	Activity Date	Loan Activity	Activity Amount
LOAN ACTIVITY FOR THIS CAMPAIGN						
Lender	Type	Original Loan Date	Original Loan Amount	Total Payment Amount	Total Forgiveness Amount	Loan Balance
Robyn Young	Candidate/ Spouse/ Domestic Partner	07/02/2020	\$500.00	\$500.00	\$0.00	\$0.00
TOTAL LOAN BALANCE AT END OF REPORTING PERIOD						\$0.00

→ **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 before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate and the candidate's treasurer immediately upon notice of the candidate's and treasurer's appointments.

5. Content. A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name and address of each payee and creditor and any refund that a payee has made to the candidate or an agent of the candidate. If the payee is a member of the candidate's household or immediate family, the candidate shall disclose the candidate's relationship to the payee in a manner prescribed by the commission. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.

C. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and

D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

§ 1020. Failure to file on time (Repealed)

§ 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