



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: December 8, 2022
Re: Request by Aroostook County Republican Committee for Waiver of Late-Filing Penalties
Due to Late 11-Day Pre-General Report & 24-Hour Report

The Aroostook County Republican Committee (ACRC) was required to file the 11-Day Pre-General Report by 11:59 p.m. on Friday, October 28, 2022. It was also required to file a 24-Hour Report by 11:59 p.m. on Saturday, November 5, 2022. ACRC filed the 11-Day Pre-General Report on Sunday, November 6th, nine days late. The preliminary penalty for the late report is \$500.00, the statutory maximum. Political Committee & Lobbyist Registrar Emma Burke filed the 24-Hour Report on behalf of ACRC on Monday, November 7th, two days late. The preliminary penalty for the late report is \$120.00. ACRC is requesting waivers of both penalties.

LEGAL REQUIREMENTS

Local and county party committees are required to file one to three campaign finance reports per year with the Commission if the contributions received, or expenditures made during the calendar year, exceed \$1,500; otherwise, they are exempt from reporting. 21-A M.R.S. §§ 1017-A(4-B)(A) & (7). Local and county party committees are also required to file a report within 24-hours if they receive a single contribution of \$5,000 or more or make a single expenditure of \$1,000 or more in the 14 days prior to a general election. 21-A M.R.S. § 1017-A (4-B)(C). If a committee is late 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

Prior to the 11-Day Pre-General Report, ACRC had not yet filed a campaign finance report in 2022, as they had not yet crossed the \$1,500 reporting threshold for local and county party committees. However, Ms. Burke and Ms. Richardson had spoken extensively over the summer regarding whether ACRC needed to file the 2022 July Semiannual Report, and Ms. Richardson was made aware during that time of the requirement to file the 11-Day Pre-General Report, and it was added to ACRC's filing schedule. On October 18th, Ms. Burke mailed a postcard reminder regarding the 11-Day Pre-General Report to every local and county party official identified by the state party committees. Ms. Richardson was included as a recipient of the mailing. Ms. Richardson also would have received automatically sent emailed reminders about the report from the Commission's eFiling system. Ms. Richardson logged into the eFiling system on Friday, October 28th, but no report was filed. On Tuesday, November 1st, Ms. Richardson attempted to file a report, but it contained no activity and was unfiled by Ms. Burke so Ms. Richardson could file a complete report. After several other reminders from Ms. Burke, Ms. Richardson filed the 11-Day Pre-General Report on November 6th, nine days late.

When entering the transactions for the 11-Day Pre-General Report, Ms. Richardson entered an expenditure of \$1,500 on November 4th that was for radio ads generally supporting Aroostook County Republican candidates. Due to the amount and date of the transaction, it was required to be filed on a 24-Hour Report no later than November 5th. Ms. Burke noticed the unfiled 24-Hour Report on November 7th and called Ms. Richardson. Ms. Richardson explained she had Covid and could not go to her office to file the report. Ms. Burke told Ms. Richardson she would file the report for ACRC due to Ms. Richardson's illness. The report was filed two days late.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalties total amount is \$620.00, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
11-Day Pre-General Report	10/28/2022	\$1,665.67	2%	9	\$1,358.66 \$500.00 max
24-Hour Report	11/05/2022	\$1,500.00	4%	2	\$120.00

ACRC's waiver request states Ms. Richardson had Covid during the time the reports were due to be filed and was therefore unable to file them on time.

STAFF RECOMMENDATION

Timely campaign finance reports are an integral part of campaign finance transparency and disclosure as statute requires late-filing penalties to increase daily after the deadline. All committees are expected to pay attention to and meet all reporting deadlines.

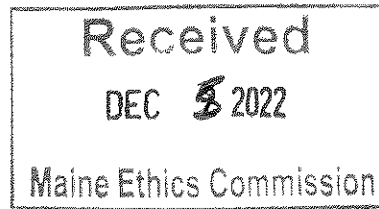
Ms. Richardson is a relatively new and inexperienced treasurer, having taken over the position within the past year when the former treasurer passed away. It was clear to Ms. Burke that Ms. Richardson was ill when they spoke by phone on November 7th. However, being ill does not necessarily create an emergency to the level of a mitigating circumstance, and Ms. Richardson was able to file the 11-Day Pre-General Report on Sunday, November 6th. It is possible Ms. Richardson does not have access to a computer outside of her office, due to comments she has made to Ms. Burke in the past, which would limit her ability to file if she was unable to enter her workplace during business hours due to illness.

Since 2018, the Commission has considered waiver requests from multiple municipal or county party committees. In most cases, the preliminary penalty was the \$500 maximum, and the Commission reduced the penalty to \$100. Recently, the Commission lowered the penalty for a county party committee with an inexperienced treasurer to \$60.50. More generally, the Commission regularly grants partial waivers to candidates and committees that demonstrate they made a good faith mistake which led to a report being filed late. It is rare for the Commission to grant a full waiver. Even when a candidate or committee has presented a good-faith reason why the report was not filed on time, the Commission generally assesses a penalty to reinforce that candidates and committees need to file the report by the deadline so that the information is available to the public.

In this case, the preliminary penalty of \$500.00 for the late 11-Day Pre-General Report represents the typical amount that has been reduced to \$100.00 by the Commission in the

majority of recent cases involving local and county party committees. The preliminary penalty of \$120.00, however, is considered fair by the Commission staff, because it is ACRC's second late report, which should result in an increased penalty, and Ms. Richardson could have filed the 24-Hour Report at the time she filed the 11-Day Pre-General Report. Therefore, the Commission staff recommends reducing the total penalties of \$620.00 to \$220.00.

Thank you for your consideration of this memo.



JG4

December 2, 2022

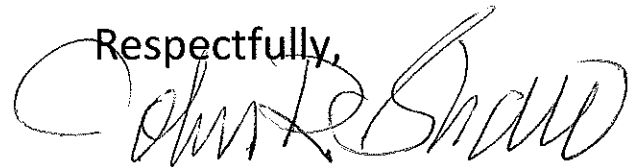
State of Maine
Commission on Governmental Ethics & Election Practices
135 State House Station
Augusta, ME 04333-0135
Attn: Emma Burke

Dear Ms Burke:

This is my written request to the Commission to waive the violation/penalty regarding the late filing of the 11-Day Pre-General report and the 24-Hour report for the Aroostook County Republican Committee [ACRC.]

Melissa Richardson is the Treasurer of the ACRC and Melissa was unable to file these two reports within the required time frame because she was suffering from Covid.

My phone: 207-493-4406 My email: shawre10@gmail.com

Respectfully,


John R. Shaw
ACRC Chairman



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

November 7, 2022

Melissa Richardson
Aroostook County Republican Committee
462 Fletcher Road
Monticello, Maine 04760

Re: Late Filing of Aroostook County Republican Committee's 11-Day Pre-General Report

Dear Melissa:

The Commission staff has made a finding the Aroostook County Republican Committee ("the committee") was late in filing an 11-Day Pre-General campaign finance report. The report was due by 11:59 p.m. on October 28, 2022 but was not filed until November 6, 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 \$500.00 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 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."

Melissa Richardson
Aroostook County Republican Committee
462 Fletcher Road
Monticello, Maine 04760

Violation: Late 11-Day Pre-General
Amount Due: \$500.00

Committee Name: Aroostook County Republican Committee

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
11-Day Pre-General	\$7,548.13	10/28/2022	9	2%	\$1,358.66 \$500 (max)

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)

\$500 for 11-Day Pre-General Reports



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 PARTY COMMITTEES

COMMITTEE		TREASURER	
ARROSTOOK COUNTY REPUBLICAN COMMITTEE 462 Fletcher Rd Montecello, ME 04760 PHONE:(207) 551-3894 EMAIL: cindyjohansen@gmail.com		Melissa Richardson 462 Fletcher Rd Montecello, ME 04760 PHONE: EMAIL: melissalrichardson78@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
11-Day Pre-General Report	10/28/2022	01/01/2022 - 10/25/2022	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$6,472.60	\$6,472.60
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$6,472.60	\$6,472.60
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$7,548.13	\$7,548.13
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$7,548.13	\$7,548.13
OTHER ACTIVITY		
9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
10. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	(\$1,300.00)	
11. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Melissa Richardson
REPORT FILED ON: 11/6/2022 6:17:33 PM
LAST MODIFIED:
COMMITTEE ID: 803

**SCHEDULE A
CASH CONTRIBUTIONS**

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

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

3 = Commercial Source

11 = Transfer from Previous Campaign

4 = Nonprofit Organization

12 = Contributors giving \$50 or less

5 = Political Action Committee

13 = Contributors giving \$100 or less

6 = Political Party Committee

14 = Contributors giving \$200 or less

7 = Ballot Question Committee

15 = MCEA Payment

8 = Other Candidate/ Candidate Committee

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
1/18/2022	Contributors giving \$200 or less	Mug sales	14	\$76.00
1/22/2022	Contributors giving \$200 or less	MUG SALES	14	\$45.00
1/22/2022	Contributors giving \$200 or less	Mug sales	14	\$45.00
2/24/2022	Contributors giving \$200 or less	MUGS SALE	14	\$30.00
3/15/2022	Contributors giving \$200 or less	FUNDRAISING - FIREARM RAFFLE	14	\$4,000.00
4/16/2022	Contributors giving \$200 or less	50/50 raffle at committee meeting donated	14	\$46.00
4/22/2022	Contributors giving \$200 or less	donation	14	\$40.00
5/17/2022	Contributors giving \$200 or less	50/50 raffle from committee meeting donated	14	\$43.00
6/22/2022	Contributors giving \$200 or less	50/50 raffle from committee meeting donated	14	\$27.00

7/5/2022	Contributors giving \$200 or less	mugs sold	14	\$70.00
7/18/2022	Contributors giving \$200 or less	50/50 raffle from committee meeting donated	14	\$25.00
8/16/2022	Contributors giving \$200 or less	Mugs sold	14	\$64.00
8/16/2022	Contributors giving \$200 or less	50/50 raffle from committee meeting donated	14	\$13.00
9/1/2022	Contributors giving \$200 or less	Mugs sold	14	\$51.00
9/9/2022	Contributors giving \$200 or less	Mugs sold	14	\$93.00
9/12/2022	Brian Redman 487 Forest Ave Fort Fairfield, ME, 04742	Self Employed Agriculture DONATION	1	\$229.60
9/12/2022	Contributors giving \$200 or less	Mugs sold	14	\$15.00
9/12/2022	Contributors giving \$200 or less	50/50 Raffle from committee meeting	14	\$12.00
9/12/2022	Griffeth Ford 16 Access Hwy Caribou, ME, 04736	Donation	3	\$500.00
9/12/2022	Haney Building Supply 236 Van Buren Rd Caribou, ME, 04736	DONATION	3	\$100.00
9/12/2022	Hilltop Motors 1182 Presque Isle Rd Caribou, ME, 04736	DONATION	3	\$100.00
9/12/2022	Russell-Clowes Insurance 118 Bennett Dr Caribou, ME, 04736	DONATION	3	\$200.00
9/15/2022	Mockler Funeral Home 24 Reservoir St Caribou, ME, 04736	DONATION	3	\$100.00
9/21/2022	RICHARD SOLMAN 709 MAIN ST CARIBOU, ME, 04736	SELF EMPLOYED Attorney/Legal DONATION	1	\$250.00

9/21/2022	RYAN SCOTT 14 WOODMAN ST WASHBURN, ME, 04786	SELF EMPLOYED APPRAISER DONATION	1	\$75.00
9/21/2022	STEVE SCOTT 128 High St Caribou, ME, 04736	BERNARD-COURY REALTY Real Estate Professional DONATION	1	\$100.00
9/26/2022	BRUCE FREME 1 BIRDSEYE AVE CARIBOU, ME, 04736	FAMILY DENTAL CARE Real Estate Professional DONATION	1	\$100.00
10/11/2022	Contributors giving \$200 or less	50/50 raffle from committee meeting	14	\$23.00
TOTAL CASH CONTRIBUTIONS				\$6,472.60

**SCHEDULE B-1
OPERATING 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
1/3/2022	DC GUN SALE 371 BROWN RD WOODLAND, ME, 04736	Purchase of firearm for fundraiser raffle	EVT	\$750.00
1/3/2022	William Merchant 4 Liberty St Caribou, ME, 04736	Reimbursement of fundraising supplies	EVT	\$73.19
2/7/2022	CanXus Broadcasting Corp 152 EAST GREEN RIDGE RD CARIBOU, ME, 04736	Radio Ads	RAD	\$1,298.00
2/12/2022	PRESQUE ISLE INN AND CONVENTION CENTER 116 MAIN STREET PRESQUE ISLE, ME, 04769	Venue for Caucus	EVT	\$170.00
4/28/2022	William Merchant 4 Liberty St Caribou, ME, 04736	Reimbursement for banner made	LIT	\$105.50
5/5/2022	CanXus Broadcasting Corp 152 EAST GREEN RIDGE RD CARIBOU, ME, 04736	Top of Maine show	RAD	\$149.50
5/14/2022	Par and Grill 6 Carroll St Caribou, ME, 04736	Food for meet and greet	FOD	\$336.48
7/29/2022	Northern Maine Fair Committee 84 MECHANIC ST PRESQUE ISLE, ME, 04769	Booth rental	EVT	\$60.00
8/27/2022	Robert Roy 622 Sweden St Caribou, ME, 04736	Reimbursement of booth rental at Crown of Maine Balloon Festival	EVT	\$60.00
9/12/2022	Revive Hometown Maine PO Box 336 Canaan, ME, 04924	DONATION	CON	\$1,000.00

9/12/2022	Still Fed Up with Taxes 280 East Hebron Rd Turner, ME, 04282	Donation	CON	\$1,000.00
9/26/2022	JOHN SHAW 17 TOWN VIEW RD CARIBOU, ME, 04736	Reimbursement for refreshments at grand opening of office	FOD	\$36.00
10/5/2022	JOHN SHAW 17 TOWN VIEW RD CARIBOU, ME, 04736	Reimbursement for keys made for office headquarters	HRD	\$9.46
10/11/2022	Revive Hometown Maine PO Box 336 Canaan, ME, 04924	DONATION	CON	\$2,500.00
TOTAL OPERATING EXPENDITURES				\$7,548.13



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2022 CAMPAIGN YEAR

COMMITTEE		TREASURER
AROOSTOOK COUNTY REPUBLICAN COMMITTEE 462 Fletcher Rd Montecello, ME 04760 PHONE:(207) 551-3894 EMAIL: cindylojohansen@gmail.com		Melissa Richardson 462 Fletcher Rd Montecello, ME 04760 PHONE:(207) 694-2495 EMAIL: melissalrichardson78@gmail.com
REPORT	DUE DATE	REPORTING PERIOD
24-Hour Report of Contributions and Expenditures	11/05/2022	11/04/2022-11/04/2022

FINANCIAL ACTIVITY SUMMARY

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

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

REPORT FILED BY: EMMA BURKE on behalf of Melissa Richardson
REPORT FILED ON: 11/7/2022 3:49:47 PM
LAST MODIFIED:
COMMITTEE ID: 803

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
11/4/2022	CanXus Broadcasting Corp 152 EAST GREEN RIDGE RD CARIBOU, ME, 04736	RADIO ADS	RAD	\$1,500.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$1,500.00

(1) On the 11th day before the date on which the election is held, which must be complete up to 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 up to the 35th day after that date. [PL 2019, c. 323, §12 (AMD).]

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [PL 2003, c. 302, §3 (NEW).]

E. If a state party 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 any 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 committee 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, §12 (AMD).]

[PL 2019, c. 323, §12 (AMD).]

4-B. Filing schedule for municipal, district and county party committees. Municipal, district and county party committees shall file reports according to the following schedule.

A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st. [PL 2009, c. 190, Pt. A, §12 (AMD).]

B. Reports filed during a nonelection year must be filed by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th; and

(2) January 15th and be complete as of December 31st. [PL 2007, c. 443, Pt. A, §17 (AMD).]

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before a general or special election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee 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, §13 (AMD).]

[PL 2019, c. 323, §13 (AMD).]

4-C. Electronic filing. State party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

[PL 2007, c. 443, Pt. A, §17 (AMD).]

5. Penalties. A party committee is subject to the penalties in section 1020-A, subsection 4-A. [RR 2003, c. 1, §13 (COR).]

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements. [PL 1991, c. 839, §23 (NEW); PL 1991, c. 839, §33 (AFF).]

7. Exemption. Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements of this section for that year. [PL 1991, c. 839, §23 (NEW); PL 1991, c. 839, §33 (AFF).]

8. Municipal elections. When a party committee makes contributions or expenditures on behalf of a candidate for municipal office subject to this subchapter, it shall file a copy of the reports required by this section with the clerk in that candidate's municipality. [PL 2011, c. 389, §19 (AMD); PL 2011, c. 389, §62 (AFF).]

SECTION HISTORY

PL 1991, c. 839, §23 (NEW). PL 1991, c. 839, §33 (AFF). PL 1993, c. 228, §1 (AMD). PL 1993, c. 680, §C2 (AMD). PL 1993, c. 715, §§1,2 (AMD). RR 1995, c. 2, §37 (COR). PL 1995, c. 228, §1 (AMD). PL 1995, c. 483, §§9,10 (AMD). RR 2003, c. 1, §13 (COR). PL 2003, c. 302, §§2,3 (AMD). PL 2003, c. 628, §§A2,B4 (AMD). PL 2005, c. 301, §§18-20 (AMD). PL 2007, c. 443, Pt. A, §17 (AMD). PL 2009, c. 190, Pt. A, §§8-12 (AMD). PL 2009, c. 366, §4 (AMD). PL 2009, c. 366, §12 (AFF). PL 2011, c. 367, §1 (AMD). PL 2011, c. 389, §§16-19 (AMD). PL 2011, c. 389, §62 (AFF). PL 2013, c. 334, §§12, 13 (AMD). PL 2019, c. 323, §§11-13 (AMD).

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§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.

[PL 2019, c. 323, §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 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; [PL 1999, c. 729, §5 (AMD).]
- B. An error by the commission staff; [PL 1999, c. 729, §5 (AMD).]
- C. Failure to receive notice of the filing deadline; or [PL 1999, c. 729, §5 (AMD).]
- 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. [PL 2009, c. 190, Pt. A, §13 (AMD).]

[PL 2009, c. 190, Pt. A, §13 (AMD).]

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.

[PL 2011, c. 389, §22 (AMD); PL 2011, c. 389, §62 (AFF).]

4. Basis for penalties.

[PL 2001, c. 470, §7 (AMD); MRSA T. 21-A §1020-A, sub-§4 (RP).]

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%; [IB 2015, c. 1, §7 (AMD).]
- B. For the 2nd violation, 4%; and [IB 2015, c. 1, §7 (AMD).]
- C. For the 3rd and subsequent violations, 6%. [IB 2015, c. 1, §7 (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 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. [IB 2015, c. 1, §7 (AMD).]

5. Maximum penalties.

[PL 2001, c. 470, §8 (AMD); MRSA T. 21-A §1020-A, sub-§5 (RP).]

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; [PL 2019, c. 323, §19 (AMD).]

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; [PL 2019, c. 323, §19 (AMD).]

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; [PL 2019, c. 323, §19 (AMD).]

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 [PL 2011, c. 558, §4 (AMD).]

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B. [PL 2011, c. 558, §4 (AMD).]

E. [PL 2011, c. 558, §5 (RP).]

[PL 2019, c. 323, §19 (AMD).]

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee'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 2013, c. 334, §17 (AMD).]

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.