



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 Androscoggin County Democratic Committee for Waiver of Late-Filing
Penalty Due to Late 11-Day Pre-General Report

The Androscoggin County Democratic Committee (ACDC) was required to file the 11-Day Pre-General Report by 11:59 p.m. on Friday, October 28, 2022. ACDC filed the report on Monday, October 31st, three days late. The preliminary penalty for the late report is \$99.94. ACDC is requesting a waiver of the penalty.

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). If a committee is late filing a campaign finance report, the amount of the penalty is set by a formula that 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, ACDC had not filed a campaign finance report in 2022 and did not have a 2022 filing schedule assigned to them, as they had not yet crossed the \$1,500 reporting threshold for local and county party committees. On October 18th, Political Committee & Lobbyist Registrar Emma 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. Mary Roussel, the treasurer of ACDC, and Elaine Makas, the chair, were included as recipients of the mailing. As of end-of-day on Friday, October 28th, Ms. Burke had not received word from

ACDC they were required to file the 11-Day Pre-General Report. Ms. Roussel logged into the eFiling system on Saturday, October 29th, but would not have been able to file a report at that time. On Monday, October 31st, Ms. Roussel contacted Ms. Burke to inform her ACDC needed to file the 11-Day Pre-General Report, which was added to their eFiling schedule that same day. Ms. Roussel filed the report at 4:42 p.m.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$99.94, 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%	3	\$99.94

ACDC’s waiver request states Ms. Roussel did not receive any reminder about the filing, and she was unsure of whether to include transactions dated after the reporting period end day of October 25th. During a phone conversation with Ms. Burke, Ms. Roussel stated she had been expecting to receive emailed reminders about the report, however eFiling cannot send emailed reminders when a report has not yet been assigned to a committee.

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.

According to Commission records, Ms. Roussel has been the treasurer for ACDC for several years and is an experienced filer of campaign finance reports. Indeed, her experience is shown by knowing a report was due without having received any reminders of the report (even though a postcard had been mailed to her address). Ms. Burke is appreciative of Ms. Roussel’s efforts and initiative to be sure the 11-Day Pre-General Report was filed properly.

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 \$99.94 is lower than the \$100 outcome reached by the Commission in the majority of recent cases involving local and county party committees. ACDC's waiver request does not present any of the mitigating factors set out in 21-A M.R.S. § 1020-A(2). ACDC's filing was not prevented by a postal delay or interruption in internet service. Ms. Roussel is an experienced filer and treasurer. Therefore, the Commission staff recommends no reduction or waiver to the \$99.94 penalty.

Thank you for your consideration of this memo.

Burke, Emma

From: Commission, Ethics
Sent: Tuesday, November 15, 2022 8:08 AM
To: Burke, Emma
Subject: FW: Request abatement for late filing of the Androscoggin County Democratic Committee's 11-Day Pre-General Report

From: Mary Roussel <ninka12@yahoo.com>
Sent: Tuesday, November 15, 2022 7:00 AM
To: Commission, Ethics <Ethics.Commission@maine.gov>
Subject: Fw: Request abatement for late filing of the Androscoggin County Democratic Committee's 11-Day Pre-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

November 15, 2020

State of Maine Commission on Governmental Ethics and Election
Practices 135 State House
Station Augusta,
Maine 04330-
0135

RE: (21-A

M.R.S.A. Section 1020-A)

To whom this may concern:

As the Treasurer of the Androscoggin County Democratic Committee, I am requesting the penalty assessed for the late-filing of the 11-Day Pre-General Report be waived.

10/28/22: The report had been prepared for filing however it was not clear to me if I should include election related expenses that I paid on 10/26/22 and 10/28/22 (The reporting period ended 10/25/22) as these expenditures were related to the upcoming election, I believed that in order to file a correct report I would need to contact that office on the next business day for clarification. Please note 10/28/22 was a Friday therefore the next business day was Monday, 10/31/22.

I called the office on 10/31/22 and left a message for Emma Burke in which I stated I had not received a notice reminding me that a report was due. She called back and left a message that since I had not filed any reports this year the computer does not send reminder notices for future reports, and the report needed to be filed ASAP as it was due 10/28/22. (I

am paraphrasing her reply.) I called her, we discussed the rule regarding reporting notice reminders, and I received clarification regarding the expenditures. I filed the report.

I have filed all committee reports timely.

In light of these facts, I request that the penalty be waived. Please note: Your letter is dated 11/1/22, the envelope was postmarked 11/2/22, and I received it 11/3/22. This appeal is being timely filed as the 14 day waiver request period ends 11/17/22.

I greatly appreciate you taking the time to review my request to waive the penalty. I am happy to meet with you any time to discuss this further.

Respectfully,

Mary
Roussel
Treasurer,
droscoffin County Democratic Committee

An

207-576-
7848



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

November 7, 2022

Mary Roussel
Androscoggin County Democratic Committee
59 Grandview Avenue
Auburn, Maine 04210

Re: **Corrected Version** - Late Filing of Androscoggin County Democratic Committee's 11-Day Pre-General Report

Dear Ms. Roussel:

The Commission staff has made a finding the Androscoggin County Democratic 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 October 31, 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 \$99.94 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."

Mary Roussel
Androscoggin County Democratic Committee
59 Grandview Avenue
Auburn, Maine 04210

Violation:	Late 11-Day Pre-General
Amount Due:	\$99.94

Committee Name: Androscoggin County Democratic Committee

Prior Violations: 0

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
11-Day Pre-General	\$1,665.67	10/28/2022	3	2%	\$99.94

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	
Androscoggin County Democratic Committee PO Box 1114 Lewiston, ME 04243-1114 PHONE:(207) 783-3890 EMAIL: ninka12@yahoo.com		Mary Roussel 59 GRANDVIEW AVE AUBURN, ME 04210 PHONE: EMAIL: ninka12@yahoo.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)	\$1,665.67	\$1,665.67
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)	\$1,665.67	\$1,665.67
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$1,108.24	\$1,108.24
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$1,108.24	\$1,108.24
OTHER ACTIVITY		
9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
10. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
11. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Mary Roussel
REPORT FILED ON: 10/31/2022 4:41:58 PM
LAST MODIFIED:
COMMITTEE ID: 788

**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

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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	AMOUNT
1/25/2022	Contributors giving \$200 or less	donation	14	\$25.00
1/25/2022	Contributors giving \$200 or less	donation	14	\$5.00
1/31/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.02
2/21/2022	Contributors giving \$200 or less	donation	14	\$100.00
2/28/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.01
3/12/2022	Contributors giving \$200 or less	donation	14	\$50.00
3/31/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212		3	\$0.02
4/29/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.02
5/31/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.02
6/7/2022	Contributors giving \$200 or less	donation	14	\$50.00

6/19/2022	Contributors giving \$200 or less	donation	14	\$50.00
6/30/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.02
7/8/2022	Contributors giving \$200 or less	donation	14	\$15.00
7/29/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.01
8/30/2022	Contributors giving \$200 or less	donation	14	\$10.00
8/30/2022	Contributors giving \$200 or less	donation	14	\$200.00
8/31/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212	interest	3	\$0.02
9/14/2022	Contributors giving \$200 or less	donation	14	\$25.00
9/14/2022	Lewiston City Committee P.O.Box 11 Lewiston, Me, 04240	funds to be used for GOTV (get out the vote) mailings	6	\$750.00
9/21/2022	Auburn Democratic City Committee c/o Robert Cavanagh Field Avenue Auburn, ME, 04210	donation to be used for GOTV (get out the vote) mailings	6	\$250.00
9/30/2022	Mechanics Savings bank PO Box 400 Auburn, ME, 04212		3	\$0.04
10/12/2022	Contributors giving \$200 or less	donations	14	\$70.49
10/12/2022	Contributors giving \$200 or less	donation	14	\$25.00
10/21/2022	Contributors giving \$200 or less	donation	14	\$40.00
TOTAL CASH CONTRIBUTIONS				\$1,665.67

**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
1/1/2022	SAM CHAMBERLAIN XXX WINDHAM, ME, 04062	website maintenance	OFF	\$125.00
2/16/2022	Liberty Mutual Insurance Company PO Box 2839 New Yaok, NY, 10116	liability insurance	OTH	\$131.00
6/22/2022	Lewiston City Committee P.O.Box 11 Lewiston, Me, 04240	donation made jointly with Lewiston Democratic Committee:AD for Western Maine Labor Council Memorial Day Dinner booklet	OTH	\$125.00
6/23/2022	USPS 49 ASH STREET LEWISTON, ME, 04240	PO Box rent	POS	\$101.00
6/27/2022	Carl Bucciantini PO BOX 352 GREENE, ME, 04236	Zoom account	OFF	\$104.93
8/10/2022	Liberty Mutual Insurance Company PO Box 2839 New Yaok, NY, 10116	liability insurance	OFF	\$131.00
10/20/2022	ELAINE MAKAS SHEFFIELD RD. LEWISTON, ME, 04240	reimbursement for Elaine Makas as she paid for the materials	LIT	\$390.31
TOTAL OPERATING EXPENDITURES				\$1,108.24

(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.