



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

Commission Meeting: March 6, 2019
Agenda Item: # 4

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: February 22, 2018
Re: Request by James LaBrecque for Waiver of Late-Filing Penalty for 42-Day Post-
General Report

James LaBrecque was a Maine Clean Election Act candidate in the 2018 general election for the Maine Senate, District 9. He ran as a replacement candidate and has been a candidate only once before, over fifteen years ago. His treasurer, Michael Capeci, is also treasurer for another candidate this election, Gary Capehart, as well as for a PAC; this is his only experience with an MCEA candidate.

All candidates who participated in the 2018 general election were required to file a 42-Day Post-General campaign finance report on December 18, 2018. Due to having been logged in under the candidate's credentials instead of his own, the treasurer, Mr. Capeci, did not file the report until the next day, December 19th, making the report one day late. The preliminary penalty for the late report is \$235.03 and the campaign is requesting a waiver of the penalty.

LEGAL REQUIREMENTS

Candidates participating in an election, either primary or general, must file a report by the 42nd day after the date on which the election was held, and must be complete for the filing period as of the 35th day after that date. (21-A M.R.S.A. § 1017(3-A)(D)) When a candidate is late in filing a 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.A. § 1020-A(4-A))

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

DISCUSSION

Prior to the December 18, 2018 deadline, the Commission's efilng website sent automatic email reminders of the 42-Day Post-General Report to all candidates who were scheduled to file the report. (These emails were sent two weeks, one week and one day before the filing deadline.) Candidate Registrar Erin Gordon also directly emailed all her candidates to remind them of the report on the afternoon of the 18th (the email reminder is attached).

On December 19th, the morning following the deadline, Mr. Capeci called Registrar Gordon to explain that he had been logged in the previous evening prior to the 11:59 pm deadline but had been unable to file the report. Ms. Gordon determined from administrative logs (attached) that Mr. Capeci had been logged in under the candidate's credentials, which would have made it impossible for him to file the report. The campaign finance reports of an MCEA candidate must, by statute, be filed by the campaign treasurer or deputy treasurer. (21-A M.R.S.A. § 1125(12-D)) Accordingly, the Commission's efilng website does not allow candidates to file their own campaign finance reports. Ms. Gordon assisted Mr. Capeci with activating his own user credentials and he successfully filed the report later that day.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$235.03, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Post-General Report	12/18/2018	\$11,751.73	2%	1	\$235.03

Through a letter dated January 28, 2019 (attached), the LaBrecque campaign asks that the Commission waive the preliminary penalty. Per Mr. Capeci, he attempted to file on time, which is shown by his log in attempts the evening of December 18, 2018. He cites lack of experience and technical difficulties as aggravating factors in meeting the deadline, but argues he was diligent in remedying the problem as soon as he could the following day.

STAFF RECOMMENDATION

Mr. Capeci was not the first treasurer for Mr. LaBrecque in the 2018 campaign. On November 11, 2018, he replaced a previous treasurer. The 42-Day Post-General Report was the first and only report that Mr. Capeci filed for the LaBrecque campaign. At the time of his appointment, Mr. Capeci would have received an email from the Commission’s e-filing system, notifying him of his user name and inviting him to set up his own password. (The previous campaign treasurer used his own credentials to log into our system during September 22 – November 5, 2018.)

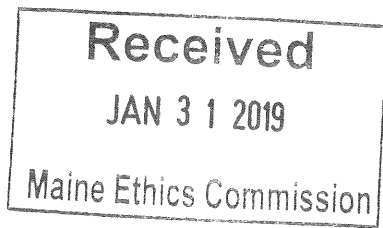
In the 2018 pre-election reminder newsletters, the Commission advised MCEA candidates and treasurers that *only* the treasurer and deputy treasurer may file a campaign finance reports (two examples are attached, with handwritten arrows marking the relevant language). Nevertheless, it is not uncommon for first-time MCEA candidates and treasurers to make the mistake of attempting to file under the candidate’s credentials. (The other 2018 candidate for whom Mr. Capeci served as treasurer, Gary Capehart, was not in the MCEA program.)

At your April 25, 2018 meeting, the Commission gave direction to the staff that penalty recommendations for the 2018 election year should be higher than in previous years, in order to implement the 2015 citizen initiative. In 2014-2017, the Commission generally assessed penalties of \$100 - \$200 for legislative and county candidates who filed campaign finance reports late for various reasons (not understanding the requirements, miscommunication, IT challenges). For the 2018 cycle, we used \$300 as a baseline recommendation for late reports by legislative and county candidates, with the intention of sometimes recommending a higher or lower amount based on relevant factors such as the number of days late, the amount of activity reported late, the experience of the candidate or treasurer, etc. Penalty recommendations fell between \$250 and \$400.

Candidate	Preliminary Penalty	Final Penalty	Decision Date
Jeffrey Slocum	\$112.00	\$112.00	08/29/18
Mark Lawrence	\$1,739.73	\$400.00	09/26/18
John Tuttle	\$432.00	\$250.00	09/26/18

In this case, we do not recommend reducing the penalty below \$235.03. Although the circumstances surrounding this late filing are understandable, they are not extenuating, and the preliminary penalty falls below the established range for late-filed campaign finance reports.

Thank you for your consideration of this memo.



Michael Capeci
1 College Circle
Bangor, Maine 04401
(207) 745-6068

State of Maine
Commission on Governmental Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333—135

January 28, 2019

Re: LaBrecque for Senate District 9, Notice of Violation and Penalty for Late-Filed 42-day Post-General Report

To whom it may concern,

I am Michael Capeci Treasure for James C. LaBrecque District 9 Senate campaign race.

On behalf of the Jim LaBrecque's Campaign I would like to request a waiver for this late penalty.

I am requesting this waver due to the fact that I file the report electronically in a timely manner but ran into difficulty with the web program. As soon as the Ethics Office opened the very next morning, I corresponded with Erin Gordon on the phone who helped me understand what I was doing wrong. Subsequently, within a few hours I resubmitted the electronic filing successfully.

I am requesting that this late fee be waived due to the fact that my submission was a result of my inexperience as a student in working with the process. I feel I was as diligent as I could be to call for help the very first thing in the morning when the Ethics office opened and resolved the problem quickly.

Sincerely,

Michael Capeci

December 27, 2018

James LaBrecque
PO Box 2250
Bangor, Maine 04402

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

Dear Mr. LaBrecque:

You were required to file the 42-Day Post-General Report on December 18, 2018 by 11:59 p.m., but the report was not filed until December 19, 2018. 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 \$235.03. 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: Michael Capeci

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: James LaBrecque			
Late-Filed Report: 42-Day Post-General Report			
Contributions	\$00	Penalty Base Amount	\$11,751.73
Expenditures	\$11,751.73	Percentage	2%
Due Date	December 18, 2018	Daily Accrual Rate	\$235.03
Date Filed	December 19, 2018	Days Late	1
Previous Violations	0	Your Total Penalty	\$235.03

Payment Statement and Payment Options

From: James LaBrecque

Penalty Amount: \$235.03

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

2018 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
Mr. James C LaBrecque P.O. 2250, 323 Stillwater Ave #14 Bangor, ME, 04402 PHONE:(207) 629-7022 EMAIL: LaBrecque.Senate@gmail.com		Michael Capeci 1 College Circle Bangor, ME, 04401 PHONE:(207) 745-6068 EMAIL: capecim@husson.edu	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-GENERAL REPORT	12/18/2018	10/24/2018 - 12/11/2018	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$12,002.81	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,695.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	(\$194.11)	\$20,255.69
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. <i>MINUS</i> EXPENDITURES (SCHEDULE B)	\$11,808.70	\$21,756.58
7. CASH BALANCE AT CLOSE OF PERIOD	\$0.00	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, Michael Capeci, 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 Michael Capeci
REPORT FILED ON: 12/19/2018 12:32:38 PM
LAST MODIFIED: 1/25/2019 10:55:30 AM
COMMITTEE ID: 298632

**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 | 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
12/11/2018	MCEA Payment	Returned Contribution RETURN OF UNUSED PUBLIC FUNDS. ORIGINAL FUNDS RECEIVED 08/27/2018 \$20,255.69 This is a return of unspent Maine Clean Election Act funds, received 01/24/19.	15	(\$194.11)
TOTAL CASH CONTRIBUTIONS				(\$194.11)

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	CON	Contribution to other candidate, party, committee	
EQP	Equipment (office machines, furniture, cell phones, etc.)	FND	Fundraising events	
FOD	Food for campaign events, volunteers	LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	
MHS	Mail house (all services purchased)	OFF	Office supplies, phone and internet services, rent and utilities	
OTH	Other (bank fees, entrance fees, small tools, wood, etc.)	PHO	Phone banks, automated telephone calls	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Other professional services	PRT	Print media ads only (newspapers, magazines, etc.)	
RAD	Radio ads, production costs	SAL	Campaign workers' salaries and personnel costs	
TRV	Travel (fuel, mileage, lodging, etc.)	TVN	TV or cable ads, production costs	
WEB	Online advertising, website design, maintenance, hosting, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
10/26/2018	NH Bragg Perry Road Bangor, ME, 04401	tools to install special sign brackets	EQP	\$86.24
10/29/2018	Bangor Letter Shop 99 Washington Street Bangor, ME, 04401	8711 Two Sided Two Color Mailer. 8700 mailed out.	MHS	\$4,382.69
10/29/2018	Bangor Letter Shop 99 Washington Street Bangor, ME, 04401	8711 Two Sided Two Color Mailer. 8700 mailed out.	MHS	\$4,609.51
10/30/2018	Blueberry Broadcasting WVOM 2 Hammond Street Bangor, ME, 04401	Radio Ad for October 31st and November 1st 2018	RAD	\$550.00
10/30/2018	Edge Media Group 1 CUMBERLAND PLACE STE 204 BANGOR, ME, 04401	Advertisement in the Maine Edge	PRT	\$576.00
10/30/2018	Happy China Buffet 753 Stillwater Bangor, ME, 04401	Dinner with City Chair.	FOD	\$24.52
10/30/2018	Townsquare Media WWMJ FM 49 Acme Rd Brewer, ME, 04412	Radio Buy October 31st and November 1st 2018.	RAD	\$640.00
10/30/2018	Zone Radio Corporation 861 BROADWAY BANGOR, ME, 04401	Radio buy for October 31st and November 1st 2018	RAD	\$660.00
10/31/2018	best buy 45 BANGOR MALL BLVD BANGOR, ME, 04401	Equipment for event	EQP	\$90.70
11/1/2018	G&M Family Market 1024 Main Road Holden, ME, 04429	catering of food and drinks for 100 people for event with the Governor	FOD	\$414.00

11/1/2018	Google Parkway Mountain View, CA, 94043	Website Hosting	WEB	\$5.00
11/1/2018	Hannaford 653 Broadway Bangor, ME, 04401	campaign event food	FOD	\$48.99
11/1/2018	Husson University 1 College Circle Bangor, ME, 04401	Rental of room at Dyke Center for event with the Governor	PRO	\$100.00
11/1/2018	Strategistics LLC 499 Broadway Ste 269 Bangor, ME, 04401	Pre-Production planning and Prep for Live Facebook/Other Facebook editing and delivery	PRO	\$802.50
11/2/2018	Dysarts 1110 Broadway Bangor, ME, 04401	Dinner with City Chair	FOD	\$27.97
11/5/2018	Strategistics LLC 499 Broadway Ste 269 Bangor, ME, 04401	Strategistics acted as agent for radio buy thru TownSquare media. Can. PD. Townsquare and Strategistics seperate. 1 buy.	RAD	\$1,492.30
11/5/2018	Strategistics LLC 499 Broadway Ste 269 Bangor, ME, 04401	To pay for a radio ad ahead of the election.	RAD	\$321.00
11/5/2018	Zone Radio Corporation 861 BROADWAY BANGOR, ME, 04401	To pay for a radio ad ahead of the election.	RAD	\$572.00
11/6/2018	Blueberry Broadcasting WVOM 2 Hammond Street Bangor, ME, 04401	Purchased an advertisement to help promote campaign ahead of the election.	RAD	\$731.00
12/11/2018	Bangor Letter Shop 99 Washington Street Bangor, ME, 04401	Payment for remainder of postage expenses, 12/17/18.	POS	\$56.97
TOTAL EXPENDITURES FOR CANDIDATE:				\$11,808.70

**SCHEDULE E
CAMPAIGN EQUIPMENT/ PROPERTY INVENTORY**

CAMPAIGN PROPERTY/EQUIPMENT PURCHASED THIS REPORTING PERIOD		
DATE PURCHASED	DESCRIPTION OF PROPERTY OR EQUIPMENT	PURCHASE PRICE
10/26/2018	tools to install special sign brackets	\$86.24
10/31/2018	Equipment for event	\$90.70

ONGOING INVENTORY OF CAMPAIGN PROPERTY				
DESCRIPTION OF PROPERTY OR EQUIPMENT	DATE PURCHASED	PURCHASE PRICE	DATE SOLD	SALE PROCEEDS



Commission on Governmental Ethics and Election Practices
 Located at 45 Memorial Circle, Augusta, Maine 04330
 (207)287-4179 | Website: www.maine.gov/ethics

42-DAY POST-GENERAL FILING REMINDER FOR MCEA CANDIDATES

Campaign Finance Report Due December 18, 2018

REPORT	DEADLINE	REPORT PERIOD
<u>42-Day Post-General</u>	Tuesday, December 18, 2018 by 11:59 p.m.	Oct. 24 through Dec. 11, 2018
<u>Return MCEA Funds</u>	Should be returned by Dec. 11, absolutely must be returned by Dec. 18	Submit check to the Commission for the amount of MCEA unspent funds, if any (see below)

Reports are filed electronically on the Commission's website. Go to www.maine.competitionfinance.com and click "Sign In/ Register." Electronic-filing instructions are on the Commission's website - www.maine.gov/ethics.

Close Out Your Campaign & File Early!

File Early. You don't have to wait until the report period closes on December 11th to file your report – you can file early, before the holiday season is upon us. You can file at any time before the deadline when you have:

- Made all of your expenditures and have paid all of your bills;
- Made all reimbursements to you and your volunteers and staff;
- Sold all campaign property and equipment purchased with MCEA funds and entered the amount of the sale proceeds into the report (see inside for more information); and
- Entered all of your financial transactions into the report (except your return of MCEA funds - the Commission staff will enter that).

Amount of MCEA Funds to Return. The cash balance shown on your 42-Day Post-General Report should reconcile with your campaign bank account balance. If it doesn't, return the amount in your campaign bank account rather than the cash balance shown on the report. Please see inside for advice on balance discrepancies.

Return MCEA Funds

Unspent MCEA funds and proceeds from the sale of equipment and property must be returned to the Commission no later than the due date for filing the 42-Day Post-General Report. Sale proceeds – funds the campaign received from the purchaser of the property or equipment – are deposited into the campaign account and are not spent by the campaign.

To return funds, make checks payable to "MCE Fund." You may write a check from the campaign account, or obtain a bank check, for the entire amount remaining in the campaign bank account.

If you want to keep your campaign account open, you may deposit personal funds after MCEA funds are removed.

Commission Phone Numbers and Emails:

Main Office	Ethics@maine.gov 287-4179
Emma Burke	Emma.Burke@maine.gov 287-4727
Erin Gordon	Erin.Gordon@maine.gov 287-3651

Gordon, Erin

From: Gordon, Erin
Sent: Tuesday, December 18, 2018 4:24 PM
Subject: **DUE TONIGHT** 42-Day Post-General Report

Hello candidates!

This is just a friendly reminder that the 42-Day Post-General Report is due **TODAY**, prior to MIDNIGHT. If you are receiving this email, you are **REQUIRED** to file this report and **have not yet done so**.

For most of you, this will be your **FINAL** report for the 2018 election – please make every effort to file on time! Please make sure you (or your treasurer, if you are an MCEA candidate) can **log in successfully to the efilng system** before the close of business today. Go to www.mainecampaignfinance.com and click **Register/Sign In** to get started.

Remember, any late report starts *automatically accruing financial penalties*, and reports must be filed on the efilng website by clicking the **red FILE button**, to be considered filed.

Don't hesitate to call or email if you need help or have questions. I will be available until 5pm to help you – this will be your last reminder of your requirement to file.

Happy filing!

Erin Gordon
Candidate Registrar
Maine Ethics Commission
(207) 287-3651 | www.maine.gov/ethics
135 State House Station, Augusta, ME 04333-0135
45 Memorial Circle, Augusta, ME

Event Log

Committee Terminated**01.28.2019 3:51:00 PM****Report Amended - 42-DAY POST-
GENERAL REPORT****01.25.2019 10:55:32 AM****User Login**

User JLABRECQUE298632 logged in.

LaBrecque, James C**01.13.2019 12:23:30 AM****Report Amended - 42-DAY POST-
GENERAL REPORT****01.02.2019 2:23:35 PM****Report Filed - 42-DAY POST-GENERAL
REPORT****Capeci, Michael****12.19.2018 12:32:39 PM****User Login**

User MCAPECI298632 logged in.

Capeci, Michael**12.19.2018 12:27:25 PM****User Login**

User JLABRECQUE298632 logged in.

LaBrecque, James C**12.18.2018 11:23:17 PM****User Login**

User JLABRECQUE298632 logged in.

LaBrecque, James C**12.18.2018 11:12:48 PM**



Commission on Governmental Ethics and Election Practices
 Located at 45 Memorial Circle in Augusta, Maine 04330
 (207) 287-4179 | www.maine.gov/ethics

July 2018

42 DAY POST-PRIMARY REPORT REMINDER FOR MCEA CANDIDATES

Campaign Finance Report Due July 24, 2018

REPORT	DEADLINE	REPORT PERIOD
42-Day Post-Primary Report	Tuesday, July 24, 2018 by 11:59 p.m.	May 30 through July 17, 2018

Inside this issue:

Filing Tips: Preview Report
Filing Tips: To View a Filed Report
Keep Complete Records
Reimbursements for Mileage and Fuel
Payments for Salary and Consulting
Payments to Family and Household Members

New E-Filing Site Is Now Live!

The Maine Ethics Commission is pleased to announce a new E-Filing system for campaign finance reporting. We listened to your feedback and have been working closely with the developers to build a site that is user-friendly, modern, and easy to navigate. It was important to us that this next generation site function smoothly, so staff have been testing it extensively to make sure it is ready for our users.

What has changed?

- The biggest changes are to the look and feel of the site. You will still enter transactions individually before filing a report, but now, instead of going to different sections for Contributions and Expenditures, you'll use the New Transaction button at the top of the page.
- To log into the E-Filing system, click the "Register/Sign-In" button at the top-right. Use the "Sign In" option to enter your user name and password.
- E-Filing will now remind you of your next due reports in an "Immediate To Do" box on your home screen—a handy glance at what's coming up!

What has stayed the same?

- The URL has not changed (www.mainecampaignfinance.com)
- You keep your existing username and password.
- Only Treasurers are allowed to file the completed financial report; MCEA candidates cannot file the report.

Reach out to your assigned Candidate Registrar with any questions!

Candidates Defeated in the Primary Election: Closing Out Your Campaign

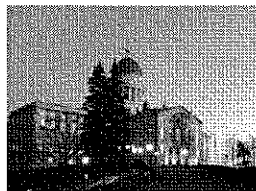
If you were defeated in a primary, the 42-Day Post-Primary Report is the final report of your campaign. Please remember to:

- pay all of your unpaid obligations by Tuesday, July 17; and
- return all unspent MCEA funds by the time you file your report.

Returning Unspent Funds. If the cash balance shown on your final campaign finance report (Line 7 of Financial Activity Summary) differs from the amount of unspent MCEA funds that you have in your campaign bank account, *return the amount in your bank account.* Please also contact your candidate registrar by email or phone. They will assist you in identifying any reporting error(s). Comparing your bank account statements to the filed reports in the e-filing system may help you in reconciling your balances and in finding reporting errors.



Questions?
Call:
(207) 287-4179
Mon. - Fri.
8 a.m. - 5 p.m.



Commission on Governmental Ethics and Election Practices
 Located at 45 Memorial Circle, Augusta, Maine 04330
 (207)287-4179 | Website: www.maine.gov/ethics

October 9, 2018

11-DAY PRE-GENERAL FILING REMINDER FOR MCEA CANDIDATES

Campaign Finance Report Due October 26, 2018

REPORT	DEADLINE	REPORT PERIOD
11-Day Pre-General	Friday, October 26, 2018 by 11:59 p.m.	Sept. 19 through Oct. 23
24-Hour Reports	Within 24 hours of making a single expenditure of \$1,000 or more. If the deadline falls on a weekend, the report must still be filed by the deadline.	Oct. 24 through Nov. 5

Inside this issue:

FAQs:	
Expenditure Guidelines	
Ballot Question Activity	2
Payment to PAC or Party Committee	2
Food Purchases	2
Prohibition on Gifts	2
Post-Election Thank You	2
What is a 24-Hour Report	3
When to File 24-Hour Reports	3
How to File 24-Hour Reports	3
Treasurer's Tips	3
Expenditure Means . . .	3
Campaign Signs	3

To log into the e-filing system:

- Go to the Commission's e-filing website: www.mainecampaignfinance.com
- Click the blue "Register/Sign In" button
- Click "Sign In"
- Enter your user name and password. If you have any problems logging in, please contact the Commission as soon as possible. Staff will be available until 5:00 p.m. on the deadline.
- MCEA candidates can enter transactions into the e-filing system but cannot file the report. The report must be filed by the treasurer or deputy treasurer.

Filing Tip: Get Started Early

You do not have to wait until the filing deadline to enter expenditures into the e-filing system. You can enter them on a weekly or daily basis and avoid a last minute rush. The system will store the information as you enter and save it. Nothing will be available to the public until you actually file the report by clicking the "File Report" button.

You don't have to wait until October 26th to file the report. If you have finished entering all your expenditures, you can file the report anytime before 11:59 p.m. on October 26th.

Filing Tip: Reporting Reimbursements Correctly

When a candidate, campaign worker or volunteer uses their own personal funds (e.g., uses a personal credit card) to pay for goods or services for the campaign, the campaign has to reimburse that person.

To report a reimbursement to a candidate, campaign worker or volunteer, the name of the payee is the **name of the vendor** from which the goods/services were obtained, **not the person who was reimbursed.**

For example, a candidate uses her own credit card to pay Staples for printing flyers. To report the reimbursement correctly, enter Staples as the payee, the amount of the purchase and the date the purchase was made (not the date of the reimbursement). In the explanation for the expenditure, enter "Reimbursed candidate on October 21 for cost of printing flyers."

COMMISSION PHONE NUMBERS

Emma Burke	287-4727
Tim Goodhue	287-4709
Erin Gordon	287-3651
Main Line	287-4179

Have questions?
Call us!

year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

C. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

→ D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

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

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

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

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- B. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- 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.

21-A § 1020. Failure to file on time (REPEALED)

21-A § 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 \$10. 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. Basis for penalties. (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 two-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. Maximum penalties. (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 financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;