



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

To: Commissioners
From: Erin Gordon, Candidate Registrar
Date: November 18, 2022
Re: Request by Stephen Hanrahan for Waiver of Late-Filing Penalty for 24-Hour Report

Stephen Hanrahan was a traditionally financed, first time candidate in the 2022 general election for House District 16. Candidates who make any single transaction of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a “24-Hour Report.” On October 28, Mr. Hanrahan placed an order with Bangor Letter Shop for \$2,353.21, which he was required to report by October 29. Mr. Hanrahan logged into eFiling and entered the debt and filed the report eight days late on November 6. The preliminary penalty for the late report is \$376.48 and the candidate seeks a waiver of the penalty.

LEGAL REQUIREMENTS

Candidates must file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or loan, or make an expenditure or incur a debt of \$1,000 or more. 21-A M.R.S. § 1017(3-A)(C). If the candidate is late filing a 24-Hour Report, the Commission staff calculates a preliminary penalty that is determined by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A(4-A).

DISCUSSION

On October 25, the day before the start of the 13-day period for filing 24-Hour Reports, Candidate Registrar Lorrie Brann sent an email titled “Guidance on 24-Hour Reporting Period and Reporting Debts & Obligations” to all candidates in the general election advising them of aforementioned reporting requirements. The email opened with guidelines for what types of

transactions would trigger reporting and instructions on how to file it. The email (attached for your reference) also contained information about what would constitute a debt reportable on the 11-Day Pre-General Report, due October 28.

According to his waiver request, Mr. Hanrahan and his treasurer, Serena Hanrahan, read the guidance and conflated the advice on debts with the guidance on 24-Hour reporting. They believed that the use of the phrase “reporting period” indicated that their new debt of \$2,353.21 simply had to be reported by the end of the 13-day period, that is, by November 7. Mr. Hanrahan logged into eFiling on November 6, entered his transaction, and filed the report.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$376.48, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	10/29/22	\$2,353.21	2%	8	\$376.48

In his November 8 request for waiver, Mr. Hanrahan asks the Commission to waive his preliminary penalty, based on his inexperience and the disproportionate size of the penalty compared to the size of the campaign.

STAFF RECOMMENDATION

Mr. Hanrahan says that the guidance in the October 25 email and the language on the reminder card for the 11-Day Pre-General Report led him to believe that he was filing his report on time. Commission staff believes that the language in the October 25 email sent by Lorrie Brann clearly stated that any expenditure or unpaid debt of \$1,000 or more needed to be reported within 24 hours:

PLEASE READ THIS EMAIL THOROUGHLY!

As a reminder, the 24-Hour Reporting Period begins Wednesday, October 26 and ends on Monday, November 7. During the 24-Hour Reporting Period, any transactions in the following list must be reported within 24 hours on the Commission’s eFiling website:

- Any single contribution of \$1,000 or more
- Any single loan of \$1,000 or more

- Any single expenditure of \$1,000 or more
- Any single unpaid debt or unpaid order of \$1,000 or more

The Commission staff do their utmost to provide candidates with clearly worded guidance and reminders to help them avoid common campaign finance reporting pitfalls, such as late-filed reports. The October 25 email was meant to serve as a reminder of information already available to candidates in the 2022 Candidate Guidebook, the 2022 filing schedule, and Quick Guide regarding 24-Hour reporting. The relevant pages of the 2022 Candidate Guidebook and 2022 filing schedule are also attached. Both contain clear direction under the heading of “When to file” that the report must be filed within 24 hours.

Mr. Hanrahan explains that his campaign also relied on an October 19 mailing that was intended to remind candidates of the upcoming 11-day pre-general campaign finance report required of all candidates. The card also made reference to upcoming 24-hour reporting period, but was not intended as a description of that filing requirement.

Generally, since 2018, the Commission has waived late-filing penalties against legislative candidates downward to a range of \$300-\$400, for example:

- from \$529.00 to \$350.00 – late 42-Day Post-Primary Report by Mark Lawrence in 2020
- from \$637.50 to \$250.00 – late July Semiannual Report by Robyn Stanicki in 2021
- from \$3,744.00 to \$400.00 – late 24-Hour Report by Cathleen Nichols in 2019

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

- \$50.00 – late 24-Hour Report by Troy Jackson in 2021
- \$34.90 – late 42-Day Post-Primary Report by John Chambers in 2022
- \$18.03 – late 42-Day Post-Primary Report by Benjamin Meiklejohn in 2022

We recommend reducing Mr. Hanrahan’s penalty to \$300. Although his circumstances do not present sufficient reason to waive the violation and penalty entirely, Commission staff believe the preliminary penalty is disproportionate to the size of his campaign.

Thank you for your consideration of this memo.

November 8, 2022

State of Maine, Commission of Governmental Ethics
And Election Practices
135 State House Station
Augusta, Maine 04333-0135

Attention: Erin Gordon, Candidate Registrar

Re: Notice of Violation for Late Filed 24-Hour Report

Dear Ms. Gordon:

We request the Commission to provide us with a waiver for the late penalty for reporting our debt late.

We have tried to follow all of the rules that the Ethic Committee has put forward. There have been times that it was hard to understand the way some of the regulations were written and you have always been very helpful in answering these questions. Our read on the "Guidance on 24-Hour Reporting Debts and Obligations" regulations uses the phrase "reporting period" several times, which states it as October 26 to November 7. We also received an orange notice in the mail that states that the 24-hour reporting period is October 26 to November 7. Even the example used of "Bridget Jones" would indicate that the mailing she had on October 14 should have been on the 11 Day Pre-General Report, it does not indicate that it should have been in the 24-Hour reporting period.

I always try to play by the rules. Had the information provided been more clear, I probably would have picked up on the 24-Hour timeframe. We were in the last legs of my campaign and we have no support, except my wife and I. There are no volunteers knocking on doors, there is no one to help hand out literature, and no guidance from any of the party leaders to help us. I have never run for an office before and the workload is more than I ever anticipated. The concentration on just trying to get my name out in a new area where people don't know me was my main concern. My wife, who is my treasurer, read the notice the same way I did. On the orange flier that was sent, saying "The 24-Hour reporting period is October 26-November 7. Any single contribution or expenditure of \$1,000 or more must be reported in a 24-Hour Report." Our interpretation of that was that the "24-Hour Report" was the name of the report, just as 11-Day Pre-General Report was the name of the report before it. In addition, the fine is very steep for our campaign. As you can tell from your records, roughly 50% of this campaign came from our funds. There were not a lot of people willing to support this campaign financially.

I would request at an upcoming Commission Meeting to personally discuss this matter with you. Thank you for your consideration.

Sincerely,

Stephen M. Hanrahan



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

November 7, 2022
Stephen Hanrahan
41 Wrong Way Road
Harborside, Maine 04642

Re: Notice of Violation and Penalty for Late-Filed 24-Hour Report

Dear Mr. Hanrahan:

You were required to file a 24-Hour Report on October 29, 2022 by 11:59 p.m. (21-A M.R.S. § 1017 (3-A)(C)), but the report 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. § 1020-A(4-A)). The Commission staff has made a preliminary finding of violation and determined the preliminary penalty for filing the report late is \$376.48. Please see the next page for the penalty calculation.

You may request the Commission waive the penalty in whole or in part or find there was no violation. *The request must be made within 14 calendar days of your receipt of this notice.* The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find there was no violation if it determines the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. (21-A M.R.S. § 1020-A(2)) The Commission may also consider whether the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff, or the harm to the public caused by the late disclosure.

The staff requests you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or erin.gordon@maine.gov if you have any questions.

Sincerely,



Erin Gordon
Candidate Registrar

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Stephen Hanrahan			
Late-Filed Report: 24-Hour Report			
Contributions	\$0	Penalty Base Amount	\$2,353.21
Expenditures	\$2,353.21	Percentage	2%
Due Date	10/29/2022	Daily Accrual Rate	\$47.06
Date Filed	11/06/2022	Days Late	8
Previous Violations	0	Your Total Penalty	\$376.48

Payment Statement and Payment Options

From: Stephen Hanrahan

Penalty Amount: \$376.48

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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2022 CAMPAIGN YEAR

COMMITTEE		TREASURER	
Mr. Stephen M Hanrahan, III 41 Wrong Way Road Harborside, ME 04642 PHONE:(207) 326-9495 EMAIL: jarheadfarmer@gmail.com		Serena Hanrahan 41 Wrong Way Road Harborside, ME 04642 PHONE:(207) 326-9495 EMAIL: no_send@test.com	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	10/29/2022	10/28/2022-10/28/2022	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$0.00
3. TOTAL DEBTS	\$2,353.21

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

24-HOUR DEBT INFORMATION

DATE OF OBLIGATION	CREDITOR	DESCRIPTION	AMOUNT
10/28/2022	Bangor Letter Shop 99 Washington Street Bangor, ME, 04401	Mail house and direct mail (design, printing, mailing, and postage all included)	\$2,353.21
TOTAL 24 HOUR DEBTS			\$2,353.21

Gordon, Erin

From: Brann, Lorrie J
Sent: Tuesday, October 25, 2022 1:41 PM
Cc: Gordon, Erin
Subject: Guidance on 24-Hour Reporting Period and Reporting Debts & Obligations

PLEASE READ THIS EMAIL THOROUGHLY!

As a reminder, the 24-Hour Reporting Period begins **Wednesday, October 26 and ends on Monday, November 7**. During the 24-Hour Reporting Period, any transactions in the following list must be reported within 24 hours on the Commission's eFiling website:

- Any single contribution of \$1,000 or more
- Any single loan of \$1,000 or more
- Any single expenditure of \$1,000 or more
- Any single unpaid debt or unpaid order of \$1,000 or more
 - This is regardless of whether you have an invoice or have made a payment on a purchase. If you agree to or place an order with a vendor that is, or may be, \$1,000 or more, you are required to report it as a debt on a 24-Hour Report during the 24-Hour Reporting Period

To file a 24-Hour Report, you must log on to the eFiling website and enter the transaction. The system will make a special 24-Hour Report for you to file. The report must then be completely filed - just entering the transaction will not meet the filing requirements.

This email also serves as a reminder about the importance of reporting debts and unpaid obligations. **Debts must be reported when a reporting period ends, and you have placed an order during that reporting period that you have not fully paid for yet.** Regardless of whether you have received an invoice or bill; you are responsible for at least having an estimate of how much your order(s) will cost; reporting an estimated amount in a debt is allowed.

For instance, candidate Bridget Jones agrees to a third direct mail purchase with the direct mail vendor on October 14th. Bridget needs to file the 11-Day Pre-General Report on October 28th but doesn't have an invoice yet. However, the last two direct mail pieces cost around \$1,500 each, so Bridget reports a debt of \$1,500 with a date of October 14 in the 11-Day Pre-General Report.

EVERY ORDER PLACED OR AGREED TO BY OCTOBER 25TH MUST BE INCLUDED ON THE 11-DAY PRE-GENERAL REPORT.

If you have questions or concerns about this email, please call or email us.

Lorrie Brann: lorrie.j.brann@maine.gov
(207) 287-4727

Erin Gordon: erin.gordon@maine.gov
(207) 287-3651

House 77-151, Senate 18-35

House 1-76, Senate 1-17

Androscoggin, Cumberland, Franklin,
Kennebec, Lincoln, Oxford, Sagadahoc, and
York counties

Aroostook, Hancock, Knox, Penobscot,
Piscataquis, Somerset, Waldo, and
Washington counties

«AddressBlock»



11-DAY PRE-GENERAL REPORT **DUE FRIDAY, OCTOBER 28, 2022**

11-DAY PRE-GENERAL REPORT - DUE OCTOBER 28!

- * All candidates receiving this reminder must file their 11-Day Pre-General Report no later than 11:59 p.m. on Friday, October 28, 2022
- * If you are receiving this reminder, you are required to file this report
- * We encourage you to visit www.maine.gov/ethics/candidates/filing-campaign-finance-reports to read our filing tips for this report
- * Reporting period ends: **October 25, 2022**
- * To file your report, go to www.mainecampaignfinance.com and sign in

◇ **Every order placed or agreed to by October 25, must be included in the 11-Day Pre-General Report.**

◆ **The 24-Hour reporting period is October 26—November 7. Any single contribution or expenditure of \$1,000 or more must be reported in a 24-Hour Report.**

If you need assistance please contact your Candidate Registrar

Lorrie Brann: lorrie.j.brann@maine.gov | (207) 287-4727
House 77-151, Senate 18-35
Androscoggin, Cumberland, Franklin, Kennebec,
Lincoln, Oxford, Sagadahoc, and York counties

Erin Gordon: erin.gordon@maine.gov | (207) 287-3651
House 1-76, Senate 1-17
Aroostook, Hancock, Knox, Penobscot, Piscataquis,
Somerset, Waldo, and Washington counties



2022 FILING SCHEDULE

For Maine Clean Election Act Legislative Candidates

PRIMARY ELECTION: JUNE 14, 2022

GENERAL ELECTION: NOVEMBER 8, 2022

TYPE OF REPORT	FILING DEADLINE (BY 11:59 P.M.)	REPORT PERIOD
Seed Money Report*	April 20, 2022	Date of first seed money contribution – date of certification request <u>For candidates who filed a Semiannual Report*:</u> January 1, 2022 – date of certification request
11-Day Pre-Primary	June 3, 2022	End of Seed Money Report — May 31, 2022
42-Day Post-Primary	July 26, 2022	June 1 — July 19, 2022
42-Day Pre-General	September 27, 2022	July 20 — September 20, 2022
11-Day Pre-General	October 28, 2022	September 21 — October 25, 2022
42-Day Post-General	December 20, 2022	October 26 — December 13, 2022
* PLEASE NOTE: Candidates collecting more than \$500 in seed money contributions in 2021 must file a 2022 January Semiannual campaign finance report by 11:59 p.m. on January 18, 2022 showing all seed money contributions and expenditures through December 31, 2021.		

24-HOUR REPORTS FOR UNCONTESTED CANDIDATES

24-HOUR REPORTING PERIODS (13 DAYS BEFORE THE ELECTION)	WHAT TO REPORT	WHEN TO FILE
Primary: June 1 – June 13, 2022 General: October 26 – November 7, 2022	Any single expenditure of \$1,000 or more. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the obligations are made.	<u>Within 24 hours</u> , including weekends and holidays, of making the expenditure, incurring the obligation, or placing the order.

HOW TO FILE REPORTS

Using the Commission's Website. Candidates who receive or expect to receive at least \$1,500 for their campaigns must file reports electronically on the Commission's website. Candidates or treasurers must enter the required information and the treasurer must click "File Report" by 11:59 p.m. on the filing deadline. Candidates who lack access to the technology or the technological ability to file reports on the internet may request a waiver by April 15, 2022. The Commission will grant all reasonable requests.

Commission staff will be available until 5:00 p.m. on filing deadlines to offer assistance to candidates and campaign staff.



2022 FILING SCHEDULE FOR LEGISLATIVE AND COUNTY CANDIDATES

TYPE OF REPORT	DEADLINE	REPORT PERIOD
2022 January Semiannual <i>If > \$500 raised or spent in 2021</i>	January 18, 2022	Beginning of campaign - December 31, 2021
11-Day Pre-Primary <i>All candidates</i>	June 3, 2022	Beginning of campaign *- May 31, 2022 <i>*If 2022 January Semiannual filed: January 1 - May 31, 2022</i>
42-Day Post-Primary <i>All candidates</i>	July 26, 2022	June 1 - July 19, 2022
42-Day Pre-General <i>Candidates participating in the general election</i>	September 27, 2022	July 20 - September 20, 2022
11-Day Pre-General <i>Candidates participating in the general election</i>	October 28, 2022	September 21 - October 25, 2022
42-Day Post-General <i>Candidates participating in the general election</i>	December 20, 2022	October 26 - December 13, 2022
2023 January Semiannual <i>Candidates unsuccessful in the primary and have > \$100 in cash or unpaid loans/debts</i>	January 17, 2023	July 20 - December 31, 2022
2023 July Semiannual <i>Candidates with > \$100 in cash or unpaid loans/debts</i>	July 17, 2023	December 14, 2022 - June 30, 2023 <i>If 2023 January Semiannual filed: January 1—June 30, 2023</i>

REPORTING PERIODS

Each campaign finance report covers a specific period of time. Campaigns must report all contributions received and expenditures made during the period, as well as all debts and obligations that remain unpaid at the end of a period.

If any transactions were not included in a report that has already been filed, the candidate or treasurer must amend the previously filed report. When completing or amending reports, candidates and their treasurers are encouraged to call the Commission staff with any questions.



REQUIRED REPORTS

Semiannual Reports for Candidates with Financial Activity in 2021. If a candidate raises or spends more than \$500 before December 31, 2021, the campaign must file a 2022 January Semiannual Report no later than January 18, 2022, covering all financial activity since registration.

Required Pre- and Post-Election Reports for All Candidates. Candidates are required to file campaign finance reports according to the schedule found in the table on this page. Each report covers a specific time period and must include all activity within that period.

24-Hour Reports. The 24-hour reporting requirement applies during the 13-day period prior to an election



**2022 PRIMARY ELECTION 24-HOUR REPORTING PERIOD
JUNE 1, 2022 – JUNE 13, 2022**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 29	May 30	May 31	June 1 BEGINS	June 2	June 3	June 4
June 5	June 6	June 7	June 8	June 9	June 10	June 11
June 12	June 13 ENDS	June 14 Primary Election	15	16	17	18

**2022 GENERAL ELECTION 24-HOUR REPORTING PERIOD
OCTOBER 26, 2022 – NOVEMBER 7, 2022**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
October 23	October 24	October 25	October 26 BEGINS	October 27	October 28	October 29
October 30	October 31	November 1	November 2	November 3	November 4	November 5
November 6	November 7	November 8 General Election	9	10	11	12

HOW TO FILE 24-HOUR REPORTS:

- File reports electronically; eFiling will create a 24-Hour Report to file after the transaction is added.

WHEN TO FILE 24-HOUR REPORTS:

- Within 24 hours of the contribution, expenditure, or debt or obligation.
- A report must be filed on a weekend or holiday if that is when it is due.
- Qualifying transactions taking place on the day before an election must be reported on election day.

(calendar above). A 24-Hour Report must be filed within 24 hours when a candidate:

- receives a single contribution or loan of \$1,000 or more; or
- makes a single expenditure or incurs an unpaid debt or obligation of \$1,000 or more.

If a candidate incurs a debt or obligation with a vendor during the 24-hour reporting period, they must report the debt or obligation within 24 hours, regardless of when the vendor is paid. The table to the right lists actions which constitute incurring a debt or obligation. Overhead costs, such as rent, taxes, utilities, and

some salary payments, are exempt from 24-hour reporting. A debt payment of \$1,000 or more must be reported in the 24-hour reporting period, unless the debt itself was reported in the report immediately

UNPAID DEBTS AND OBLIGATIONS WHICH ARE REPORTABLE IN 24-HOUR REPORTS
The placement of an order for goods and services
A promise or agreement (even an implied one) that payment will be made
The signing of a contract for a good or service
The delivery of a good or service even if payment has not been made

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

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

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

3. Other candidates. [Repealed]

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

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

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

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

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

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

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

3-B. Accelerated reporting schedule. [Repealed]

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

§ 1020-A. Failure to file on time


1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

4. [Repealed]

 **4-A. Basis for penalties.** The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. [Repealed]

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.