



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

To: Commissioners
From: Lorrie Brann, Candidate Registrar
Date: January 10, 2023
Re: Request by Mark Lawrence for Waiver of Late-Filing Penalty for 24-Hour Report

State Senator Mark Lawrence was a Maine Clean Election Act (MCEA) candidate for Senate District 35. Senator Lawrence is an experienced candidate, having served in both the Maine House of Representatives and the Maine Senate. 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 November 2, Sen. Lawrence paid Erikson Communications Group \$5,000 for online digital advertising, which he was required to report by November 3, however it was not reported until December 19th when the campaign filed its 42-Day Post-General report and Candidate Registrar Lorrie Brann contacted the campaign to advise them about the unfiled 24-Hour Report. The report was filed on December 21, 48 days late. The preliminary penalty for the late report is \$5,000 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). The Commission may waive the preliminary penalty in whole or in part under 21-A M.R.S. § 1020-A(2). ETH 8-10.

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. The email included guidelines for the types of transactions that would trigger reporting and instructions on how to file. ETH-1.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty would be \$9,600 but is capped at the maximum \$5,000.

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
24-Hour Report	11/03/22	\$5,000.00	4%	48	\$5,000.00 (maximum)

In his December 29, 2022, request for waiver, Senator Lawrence noted that he has an experienced campaign staff, but his campaign manager was dealing with several personal crises at the end of the election which led to this second missed 24-Hour Report. Based on these circumstances, he asks the Commission to waive or reduce his preliminary penalty.

STAFF RECOMMENDATION

The Commission staff does its 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, 2022 filing schedule and Quick Guide are also attached. Both contain clear direction under the heading of “When to file” that the report must be filed within 24 hours. Also attached is the 11-Day Pre-General reminder postcard, which also contained a reminder about the 24-Hour reporting period. ETH 2-7.

During 2018-2022, the Commission has waived late-filing penalties against candidates downward to a range of \$300 - \$400, for example:

- from \$2,991.36 to \$300 – late 24-Hour Report by Danny Costain (8/29/2018)
- from \$3,744 to \$400 – late 24-Hour Report by Cathleen Nichols (3/16/2019)
- from \$529.50 to \$350 – late 42-Day Post-Primary Report by Mark Lawrence (10/16/2020)
- from \$423.54 to \$300 – late 24-Hour Report by Stephen Hanrahan (11/30/22)
- from \$368.12 to \$300 – late 11-day Pre-General Report by Danielle Fienberg (11/30/2022)

Senator Lawrence is an experienced candidate. He is serving his sixth (nonconsecutive) term in the Maine Senate and first began serving in the Maine House of Representatives in the late 1980s. He has an experienced, paid campaign manager whose duties include entering financial transactions in the Commission's eFiling system. His campaign is aware of the requirement to file 24-Hour Reports. The November 2 expenditure for \$5,000 was noticeably higher than the \$1,000 threshold for filing a 24-Hour Report.

In 2018, the 11-day pre-primary report filed by Sen. Lawrence was considered late because it did not include six expenditures totaling around \$1,600. In 2020, his campaign was one day late filing the post-primary election report. This late 24-Hour Report due November 3rd was the second of two 24-Hour Reports filed late this year by the Lawrence campaign. Consistent with the formula in 21-A M.R.S. § 1020-A(4) which increases penalties for successive violations, the Commission staff recommends assessing a penalty of \$500 for this violation which is slightly higher than the usual range of \$300-\$400. Thank you.



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04333-0135

December 21, 2022

Hon. Mark Lawrence
52 Wildbrook Lane
Eliot, ME 03903

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

Dear Senator Lawrence:

You were required to file a 24-Hour Report on November 3, 2022 by 11:59 p.m. (21-A M.R.S. § 1017 (3-A)(C)), but the report was not filed until December 21, 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 **\$5,000.00**. 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) 287-4727 or lorrie.j.brann@maine.gov if you have any questions.

Sincerely,

Lorrie J. Brann
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: Mark Lawrence			
Late-Filed Report: 24-Hour Report			
Contributions	0	Penalty Base Amount	\$5000.00
Expenditures	\$5,000.00	Percentage	4%
Due Date	11/03/2022	Daily Accrual Rate	\$200.00
Date Filed	12/21/2022	Days Late	48
Previous Violations	1	Your Total Penalty	\$5,000.00 (maximum)

Payment Statement and Payment Options

From: Mark Lawrence

Penalty Amount: \$5,000.00

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.

Mark W. Lawrence
52 Wildbrook Lane
Eliot, ME 03903
(207) 475-4975 (cell)

December 29, 2022

Lorrie J. Brann
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, ME 04333

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

Dear Lorrie,

I write regarding the above-referenced Notice of Violation and Penalty for Late-Filed 24-Hour Report which I received on December 28, 2022.

I request the Commission Waive the penalty in whole or in part or find there was no violation.

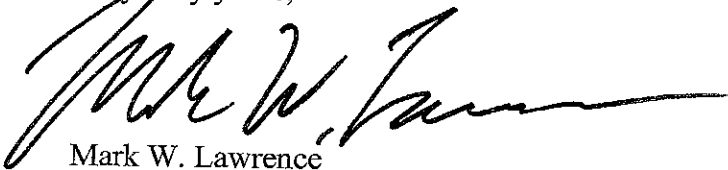
While I have an experienced Campaign Manager and Treasurer who have filed reports in past election years, this year presented an extraordinary set of circumstances which arose late in this campaign cycle.

My Campaign Manager, Abby Sherwood, is going through a contentious divorce. In addition to being the primary care giver to two young children, she started working outside of the home this fall in a new role as special education educator at Marshwood middle school. She worked fulltime while continuing to run my campaign. We both felt that based upon her experience and abilities, she could do both jobs.

However, the amount of work hours at the end of the campaign, coupled with being a single mom, going through a contentious divorce and starting a new job created this error in not filing our 24-Hour Reports correctly. We initially missed one mailing expense and corrected it. At that time, we thought we had corrected all our mistakes. Unfortunately, we missed another mistake. Had we of known about this error, we would have corrected it when we corrected the first mistake.

If you need any additional information, please let me know.

Very truly yours,



Mark W. Lawrence

MWL/hs



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. Mark Lawrence 52 Wildbrook Lane Eliot, ME 03903 PHONE:(207) 475-4975 EMAIL: lawrenceforstaterep@gmail.com		Mr. James Mundy 40 Portland Street South Berwick, ME 03908 PHONE:(907) 301-0273 EMAIL: mundy.james@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
24-Hour Report of Contributions and Expenditures	11/03/2022	11/02/2022-11/02/2022	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$5,000.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: Abigail Sherwood Kemble
REPORT FILED ON: 12/21/2022 11:52:48 AM
LAST MODIFIED:
COMMITTEE ID: 410013

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
<p>CNS Campaign consultants</p> <p>CON Contribution to other candidate, party, committee</p> <p>EQP Equipment (office machines, furniture, cell phones, etc.)</p> <p>FND Fundraising events</p> <p>FOD Food for campaign events, volunteers</p> <p>LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.)</p> <p>MHS Mail house (all services purchased)</p> <p>OFF Office rent, utilities, phone and internet services, supplies</p> <p>OTH Other</p> <p>PHO Phone banks, automated telephone calls</p>	<p>POL Polling and survey research</p> <p>POS Postage for U.S. Mail and mail box fees</p> <p>PRO Other professional services</p> <p>PRT Print media ads only (newspapers, magazines, etc.)</p> <p>RAD Radio ads, production costs</p> <p>SAL Campaign workers' salaries and personnel costs</p> <p>TRV Travel (fuel, mileage, lodging, etc.)</p> <p>TVN TV or cable ads, production costs</p> <p>WEB Website design, registration, hosting, maintenance, etc.</p>			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
11/2/2022	Erikson Communications Group, Inc 157 Park Row Ste 102 Brunswick, ME, 04011	Online digital advertising	ONL	\$5,000.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$5,000.00