



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: September 14, 2022  
Re: Request by Waldo County Democratic Committee for Waiver of Late-Filing Penalty Due to Late 2022 July Semiannual Report

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The Waldo County Democratic Committee (WCDC) was required to file the 2022 July Semiannual Report by 11:59 p.m. on Friday, July 15, 2022. Political Committee & Lobbyist Registrar Emma Burke filed the report for WCDC on Monday, July 18<sup>th</sup>, three days late. The preliminary penalty for the late report is \$181.21. WCDC is requesting a waiver of the penalty.

### **LEGAL REQUIREMENTS**

Local and county party committees are required to file one to three campaign finance reports with the Commission per year if the contributions it has 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 in filing a campaign finance report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A(4-A).

### **DISCUSSION**

On July 1, 2022, Ms. Burke mailed a postcard reminder to every local and county party official identified by the state party committees. Pamela Chase, the treasurer of WCDC, was included as a recipient of the mailing. On Monday, July 11<sup>th</sup>, Ms. Chase emailed Ms. Burke to inform Ms. Burke WCDC needed to file the 2022 July Semiannual Report, which was added to their eFiling schedule that same day. On July 15<sup>th</sup>, Ms. Chase emailed Ms. Burke several questions, which were responded to by email. At 5:20 p.m., Ms. Chase emailed Ms. Burke stating she had filed the

report, but had a few questions about how some of the transactions appeared on the report, and wished to discuss that on Monday, the 18<sup>th</sup>.

On July 18<sup>th</sup>, Ms. Burke called Ms. Chase to discuss the unfiled July Semiannual Report. The connection was poor, and a full conversation could not be held. However, Ms. Chase repeatedly stated she filed the report. When Ms. Burke explained to Ms. Chase she had not, the only response Ms. Chase gave was, “No, I filed it.” At this point, Ms. Burke filed the report for WCDC so penalties would not continue to increase.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$181.21, calculated as follows:

<b>Report</b>	<b>Deadline</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
2022 July Semiannual Report	07/15/2022	\$3,020.17	2%	3	\$181.21

WCDC’s waiver request states a belief the report was filed timely and made a good faith effort to do so. The committee does not describe any mitigating factors or explanations as to why the report was thought to be filed.

### **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, particularly experienced ones, are expected to pay attention to and meet all reporting deadlines.

On July 15<sup>th</sup>, Ms. Chase stated she had only filed one previous report for WCDC – the 2022 January Semiannual Report. However, according to eFiling records, she has filed eight previous campaign finance reports for WCDC, going back over four years. Therefore, the Commission staff consider the treasurer to be an experienced filer of campaign finance reports. It is also unclear as to why WCDC thought the report had been filed. The eFiling site has multiple functions to confirm to filers *immediately* whether a report has been successfully filed or not:

- Upon successful filing, a confirmation message pops up temporarily at the bottom of the screen assuring the filer the report is indeed filed;
- Upon successful filing, a confirmation email is sent to all registered individuals associated with the committee;
- Once a report is filed, the report is displayed in the Filed section on the View/File Reports tab on the committee's eFiling account, accompanied by a filed date;
- Once a report is filed, the report is displayed in the Recently Filed Reports section on the committee's eFiling home page;
- If a report that is due soon, or is overdue, remains unfiled, there is a notice at the top of the committee's eFiling home page;
- If a report remains unfiled and overdue, the report is displayed in the Unfiled section on the View/File Reports tab on the committee's eFiling account, accompanied by a due date in red text and a report status stating 'Past Due' also in red text; and
- If a report is not filed on time, an email is sent out the next morning to all registered individuals associated with the committee stating the report is not filed and is overdue.

Essentially, the Commission staff has worked diligently with its IT vendor over the years to design an eFiling site that is clear and obvious as to whether a report is filed or unfiled. When making a required filing with the state government, it is reasonable to expect the filer to confirm that the report has, in fact, been filed, similar to many other types of online transactions or filings. In Ms. Burke's experience with the Commission, spanning almost nine years, she has filed many hundreds of campaign finance reports, and never once has she experienced a report that fails to file after the proper filing procedures are followed.

Since 2018, the Commission has considered waiver requests from a total of four municipal or county party committees. In all four cases, the preliminary penalty was the \$500 maximum, and the Commission reduced the penalty to \$100. 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 late report included \$2,398 in cash contributions, \$2,880 in in-kind contributions, and \$3,020 in expenditures. This is a significant amount of financial activity. The preliminary penalty of \$181.21 is not much higher than the \$100 outcome reached by the Commission in the recent cases involving local party committees. WCDC's waiver request does not present any of the mitigating factors set out in 21-A M.R.S. § 1020-A(2). While there was an attempt to file the report on time, the WCDC was not prevented by a postal delay or interruption in Internet service. Ms. Chase is an experienced filer and treasurer and was actively using the site with instructions from Ms. Burke on the filing deadline. Therefore, the Commission staff recommends not reducing or waiving the \$181.21 penalty.

Thank you for your consideration of this memo.

Burke, Emma

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**From:** Pamela Chase <pamchase04@gmail.com>  
**Sent:** Saturday, July 23, 2022 11:14  
**To:** Burke, Emma; Sara Salley; Paul Robie; Reeves Gilmore  
**Subject:** Fwd: review

**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.**

Emma, and members of the WCDC executive committee,

I received a letter from you in today's mail.

The letter states that I filed the 2022 July Semiannual campaign finance report late, on July 18th not on the 16th as required.

I contacted you by email a few times on Friday the 16th. I also asked you to call me, which you were unable to do.

From this email on 7/16/22 you can see that I was sure I had filed this report on time, although there might be something to correct.

Respectfully, I am asking you to reconsider the fine you are assessing the Waldo County Democratic Committee.

I certainly made a very good faith effort to file this report on time.

Pam

----- Forwarded message -----

From: **Pamela Chase** <pamchase04@gmail.com>  
Date: Fri, Jul 15, 2022 at 5:20 PM  
Subject: review  
To: Burke, Emma <emma.burke@maine.gov>

Emma,

I filed the semi annual report for the Waldo County Democratic Committee.

This new method took a while to do ... anything is easy when you know how.

The printout did not show all the contributions I entered: the total for those under and over \$200 should add up to \$2,317.76 - if I have this right.

Also, the expenditure to Emerge Maine training for Chloe Maxim was paid to Chloe, not Emerge.

I can update that for you with her address.

We'll deal with that on Monday.



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

July 20, 2022

Pam Chase  
Waldo County Democratic Committee  
PO Box 232  
Liberty, Maine 04949

Re: Party Committee Late Filing of 2022 July Semiannual Report

Dear Pam:

The Commission staff has made a finding the Waldo County Democratic Committee (“the committee”) was late in filing its 2022 July Semiannual campaign finance report. The report was due by 11:59 p.m. on July 15, 2022 but was not filed until July 18, 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 \$181.21 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](mailto: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."

Pam Chase  
Waldo County Democratic Committee  
PO Box 232  
Liberty, Maine 04949

**Violation:** Late 2022 July Semiannual Report  
**Amount Due:** \$181.21

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**Committee Name:** Waldo County Democratic Committee

**Prior Violations:** 0

<b>Report Name</b>	<b>Activity Amount</b>	<b>Due Date</b>	<b>Days Late</b>	<b>Penalty Rate</b>	<b>Penalty</b>
2022 July Semiannual Report	\$3,020.17	07/15/2022	3	2%	\$181.21

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)

\$5,000 for Intendent Expenditure Reports, except if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.





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](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 2022 CAMPAIGN FINANCE REPORT

### FOR PARTY COMMITTEES

COMMITTEE		TREASURER	
Waldo County Democratic Committee PO Box 232 Liberty, ME 04949 PHONE:(207) 505-2525 EMAIL: pamchase04@gmail.com		Pam Chase PO Box 232 Liberty, ME 04949 PHONE: EMAIL: pamchase04@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD	
July Semiannual - Local Party Committee	07/15/2022	01/01/2022 - 06/30/2022	

### FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$2,398.10	\$2,398.10
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)	\$2,398.10	\$2,398.10
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$3,020.17	\$3,020.17
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$3,020.17	\$3,020.17
OTHER ACTIVITY		
9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$2,879.54	\$2,879.54
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, Pam Chase, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Pam Chase  
REPORT FILED ON: 7/18/2022 11:04:17 AM  
LAST MODIFIED:  
COMMITTEE ID: 770

**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
5/20/2022	Spectrum Business 4145 S. Falkenburg Rd Riverview, FL, 33578-8652	refund of equipment for ophone / internet service	3	\$194.34
6/30/2022	Contributors giving \$200 or less	ActBlue/ cash contributions	14	\$2,203.76
<b>TOTAL CASH CONTRIBUTIONS</b>				\$2,398.10

**SCHEDULE A - 1  
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a candidate received at no cost or at a cost less than the fair market value. they include all goods and services purchased for the campaign by the candidate or supporters if the campaign does not expect to reimburse the candidate or supporter. These contributions may come from the candidate, candidate's family, supporters, PACs, party committees, or other entities.
- 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.
- In-kind contributions of \$50 or less can be added together and reported as a lump sum.
- If the candidate received a discount on goods and services, the amount of the discount must be reported as an in-kind contribution.
- Total contributions (cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 in any election for the legislative candidates, \$750 for county candidates, or \$1500 for gubernatorial candidates. For party candidates, the primary and general elections are considered separate election. For non-party candidates, there is only one election, the general election.

1 = Individual

9 = Candidate / Candidate Committee

2 = Candidate/ Spouse/ Domestic Partner

10 = General Treasury Transfer

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4 = Nonprofit Organization

12 = Contributors giving \$50 or less

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15 = MCEA Payment

8 = Other Candidate/ Candidate Committee

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	EMPLOYER AND OCCUPATION	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE	AMOUNT
2/21/2022	Sara T. Salley 205 KNOWLTONS SHORE RD LIBERTY, ME, 04949	Retired Retired	Google LLC website management/ domain registration/Google Workspace/Codegua rd Basic	1	\$40.98
4/26/2022	Karen J Young 220 UpperBluff Rd Northport, ME, 04849	EMPLOYMENT INFO REQUESTED	address labels / Amazon	1	\$132.58
4/30/2022	Susan Conard 35 PIPER STREAM RD NORTHPORT, ME, 04849	None Homemaker	USPS postcard stamps	1	\$1,002.00
5/10/2022	Paul Robie 220 UPPER BLUFF RD NORTHPORT, ME, 04849	Retired Office and Administrative Occupations	JBLACK Printing for postcards	1	\$429.30
5/11/2022	Paul Robie 220 UPPER BLUFF RD NORTHPORT, ME, 04849	Retired Office and Administrative Occupations	USPS postcard stamps	1	\$802.00
5/30/2022	Karen J Young 220 UpperBluff Rd Northport, ME, 04849	EMPLOYMENT INFO REQUESTED	Tee shirts / inner sense PO Box 178 Searsport, ME 04974	1	\$472.68
<b>TOTAL IN-KIND CONTRIBUTIONS</b>					<b>\$2,879.54</b>

**SCHEDULE B-1  
OPERATING EXPENDITURES**

<b>EXPENDITURE TYPES</b>				
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.)	
<b>DATE OF EXPENDITURE</b>	<b>PAYEE</b>	<b>REMARK</b>	<b>TYPE</b>	<b>AMOUNT</b>
1/28/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$200.12
1/31/2022	Emerge Maine PO BOX 3445 PORTLAND, ME, 04104	Payment toward tuition cost for training	CON	\$280.00
2/28/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$440.12
3/31/2022	Camden National Bank PO Box 310 Camden, ME, 04843	Harland Clarke Check order	OTH	\$29.95
3/31/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$295.12
4/13/2022	Spectrum P.O. Box 60074 City of Industry, CA, 91716-0074	internet service	OFF	\$388.63
4/27/2022	Trudy Miller 11 Kelly Cove Ln Northport, ME, 04849	rent at Social Capital for meeting	OFF	\$25.00
4/28/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$295.12
4/29/2022	Spectrum P.O. Box 60074 City of Industry, CA, 91716-0074	equipment for internet / phone	OFF	\$194.34
6/1/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$295.12

6/7/2022	JBLACK Printing 3 Black's Landing Belfast, ME, 04015	postcard mailers, poster	OFF	\$256.53
6/7/2022	Trudy Miller 11 Kelly Cove Ln Northport, ME, 04849	rent at Social Capital for meeting	OFF	\$25.00
6/30/2022	Robert Spencer 48 Barnstown Rd. Camden, ME, 04843	office rent	OFF	\$295.12
<b>TOTAL OPERATING EXPENDITURES</b>				\$3,020.17

(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).]

**§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.