



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: November 14, 2022
Re: Request by We the People PAC for Waiver of Late-Filing Penalties Due to Two Late 2-Day Pre-General Independent Expenditure Reports

We the People PAC (We the People) was required to file two 2-Day Pre-General Independent Expenditure (IE) Reports no later than October 12 and October 19, 2022. We the People filed both reports on October 24th, making them 12 days late and 5 days late, respectively. The preliminary penalty for the October 12th report is the statutory maximum of \$5,000, and the preliminary penalty for the October 19th report is \$99.96. We the People is requesting a waiver of the penalties.

LEGAL REQUIREMENTS

Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$250 per candidate in an election from the 60th day through the 14th day before an election, must file a report within two calendar days of the expenditure. 94-270 C.M.R. Ch. 1 § 10(3)(B)(2). 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 October 24, 2022, Aaron Kregenow, treasurer for We the People, visited the Commission office to meet with Political Committee & Lobbyist Registrar Emma Burke regarding emails he received reminding committees if they filed IE reports electronically, they must also submit originally signed and notarized affidavits to the Commission per statute. Mr. Kregenow had come to the office to have the PAC's IE reports notarized and submitted, but Ms. Burke did not have

any record of any IE reports filed for the PAC. Mr. Kregenow stated he had filed two IE reports - one for 14 mailings and one for a Facebook ad. After reviewing the PAC’s eFiling account Ms. Burke confirmed the transactions were entered into the site, but as normal expenditures instead of independent expenditures, and were not filed on any kind of report. Ms. Burke explained the mistake to Mr. Kregenow and made the amendments necessary in eFiling to get the IE reports properly filed.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalties amount to \$5,099.96, calculated as follows:

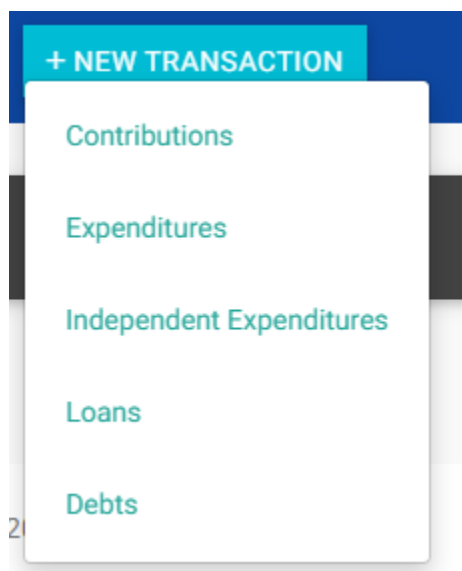
Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
2-Day Pre-General IE Report	10/12/2022	\$25,899.40	4%	12	\$12,426.91 \$5,000 max
2-Day Pre-General IE Report	10/19/2022	\$499.79	4%	5	\$99.96

In We the People’s waiver request, Mr. Kregenow states he is somewhat inexperienced as he has been the treasurer for little over a year. He also believes both IEs were filed on time, just not correctly. This is not accurate. The transactions entered by Mr. Kregenow were only entered into the eFiling website - they were not filed on any kind of report that was viewable by the public. He also notes the report due on the 12th was probably not filed too long after the mailers actually arrived in mailboxes, which is not germane to the issue in this case.

STAFF RECOMMENDATION

IE reports are considered essential for public awareness prior to general elections. Without these reports, any interested member of the press, public, or candidate campaigns would need to wade through thousands of transactions on reports covering greater lengths of time, to determine if any candidate supporting or opposing purchases had been made. Thus, even though committees filed October Quarterly Reports on October 5th and 11-Day Pre-General Reports, on October 28th, they were also required to file 2-Day Pre-General IE Reports between the 60th day and 14th day before the election.

We the People was aware of the IE reporting requirements, as Mr. Kregenow attempted to report these two IE in a timely manner and visited the office to have the accompanying affidavits notarized. However, he failed to add the transactions into eFiling accurately and did not file any kind of report after saving the transactions into the system. When a filer wants to add a new transaction into the eFiling website, they must click on a button that states “+ New Transaction.” Once clicked, they are given a menu of transactions to choose from. Mr. Kregenow would have seen the following options: “Contributions,” “Expenditures,” “Independent Expenditures,” “Loans,” and “Debts.”

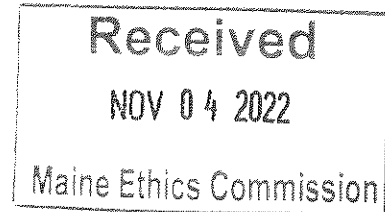


Mr. Kregenow chose to enter We the People’s independent expenditures under “Expenditures” instead of the “Independent Expenditures” section, which left eFiling unable to create the proper 2-Day Pre-General IE Reports. Also, Mr. Kregenow had previously filed six campaign finance reports for the PAC, so he should have been aware of the final steps needed to complete any kind of filing, which includes clicking “Go to Filing” and “File Report,” and clicking an affirmation the report is complete and accurate to the best of his knowledge. The relevant screens for filing a report and confirming the successful filing are attached for your reference.

Since 2018, when considering requests by PACs and ballot question committees for waivers of preliminary penalties above \$1,000, the Commission staff has generally been recommending penalty outcomes of *at least* \$750, understanding that the Commission may wish to assess a lower penalty when strong mitigating factors are present. In this instance, Mr. Kregenow is a somewhat new treasurer, but had filed multiple reports for We the People and should have been able to

determine the IE Reports were not correctly filed. For the October 12th report, almost two weeks went by before a report showing an almost \$26,000 mailer affecting 14 candidates and their opponents was filed, during a time when a report is required to be filed within two days. For this situation, Ms. Burke recommends a view of finding more aggravating factors than mitigating ones. Indeed, this appears to be the largest late-filed IE report since 2016. Therefore, the Commission staff recommends reducing the penalty for the October 12th report to \$1,000, and not reducing the penalty of \$99.96 for the October 19th report, leaving a total penalty of \$1,099.96.

Thank you for your consideration of this memo.



11/3/2022
We the People PAC
P.O. Box 5176

Dear Ethics Commission Members,

I am writing to ask that you waive the penalty assessed to We the People PAC for a late filing of a 2-Day Pre-General Independent Expenditure Report. The commission may waive a penalty if it determines the reports were late due to mitigating circumstances which are defined as (1) a valid emergency; (2) an error made by a 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.

I have been the treasurer of We the People PAC for a little over a year. This campaign cycle is my first ever experience filing "Independent Expenditures". You can see through the filings that all independent expenditures for a mailer we paid for were filed on time in great detail. The amounts were itemized as well as detailed descriptions for the mail supporting each candidate. It was only when I went to the Ethics Office to follow up on the reports that I became aware I had made a mistake in filing the reports. I had filed them as "expenditures" not "independent expenditures". This was a learning moment for me, as I was unaware I had incorrectly made a mistake in filing the expenditures that way. I assure you, I will never make that mistake again. Thanks to Emma, this was all corrected very quickly. I do not believe a lot of time passed between mail arriving and the correction that was filed. I would ask that you waive the penalty for this one time mistake.

Best Regards,

A handwritten signature in black ink that reads "Aaron Kregenow". The signature is written in a cursive, slightly slanted style.

Aaron Kregenow
(Treasurer We the People PAC)



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

October 25, 2022

Aaron Kregenow
We the People PAC
16 Columbia Street
Augusta, Maine 04330

Re: Late Filing of 2-Day Pre-General Independent Expenditure Reports

Dear Aaron:

The Commission staff has made a finding the We the People PAC ("the PAC") was late in filing two 2-Day Pre-General Independent Expenditure campaign finance reports. The reports were due by 11:59 p.m. on October 12, 2022 and October 19, 2022, but were not filed until October 24, 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 reports, the number of calendar days the reports were late, and any history of violations from the committee, the Commission staff has determined a penalty of \$5,099.96 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 reports were late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence the committee made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call (207) 287-4709 or send an email to emma.burke@maine.gov if you have questions.

Sincerely,

Emma Burke
Political Committee & Lobbyist Registrar

Cc: Billy Bob Faulkingham

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."

Aaron Kregenow
We the People PAC
16 Columbia Street
Augusta, Maine 04330

Violation: Two Late 2-Day Pre-General Independent Expenditure Reports
Amount Due: \$5,099.96

Committee Name: We the People PAC

Prior Violations: 1

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
2-Day Pre-General IE Report	\$499.79	10/19/2022	5	4%	\$99.96
2-Day Pre-General IE Report	\$25,899.40	10/12/2022	12	4%	\$12,426.94 \$5,000 max

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
 Phone: 207-287-4179
 Fax: 207-287-6775

2022 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER
We the People PAC PO Box 5176 Augusta, ME 04332 PHONE: (207) 460-6967 EMAIL: billybob518709@msn.com		Aaron Kregenow 16 Columbia Street Augusta, ME 04330 PHONE:(207) 242-2326 EMAIL: akregenow93@gmail.com
REPORT	DUE DATE	REPORTING PERIOD
2-Day Pre-General IE Report	10/12/2022	10/10/2022-10/10/2022

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$25,889.40
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$25,889.40

AFFIDAVIT

STATE OF _____

COUNTY OF _____

Aaron Kregenow, being duly sworn, attests that each of the expenditures listed in the attached report was made independently of, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate(s) named in the report, the political committee of the candidate(s), or their agents.

 (Signature of Affiant)

Sworn to before me this _____ day of _____ 2022

 (Notary Public/Attorney at Law)

Making a false statement under oath is punishable by law.

REPORT FILED BY: EMMA BURKE on behalf of Aaron Kregenow
 REPORT FILED ON: 10/24/2022 12:04:45 PM
 LAST MODIFIED:
 COMMITTEE ID: 370916
 REPORT NUMBER: 35111

**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
10/10/2022	SUPPORT	Mr. Lucas John Lanigan	Representative	141	Spectrum Marketing Companies	\$1,782.96
10/10/2022	SUPPORT	Hon. Meldon H Carmichael	Representative	18	Spectrum Marketing Companies	\$2,141.49
10/10/2022	SUPPORT	Hon. Sheila A Lyman	Representative	76	Spectrum Marketing Companies	\$1,722.54
10/10/2022	SUPPORT	Ms. Jennifer Marie Morin	Representative	20	Spectrum Marketing Companies	\$1,858.20
10/10/2022	SUPPORT	Mr. Michael H Lemelin	Representative	53	Spectrum Marketing Companies	\$1,145.13
10/10/2022	SUPPORT	Mr. Jason Joyce	Representative	15	Spectrum Marketing Companies	\$3,309.99
10/10/2022	SUPPORT	Mr. Stephen Davis	Representative	99	Spectrum Marketing Companies	\$990.09
10/10/2022	SUPPORT	Mr. Lynn J Madison	Representative	45	Spectrum Marketing Companies	\$2,781.03
10/10/2022	SUPPORT	Mrs. Kathy Irene Javner	Representative	29	Spectrum Marketing Companies	\$1,016.88
10/10/2022	SUPPORT	Mr. Edward Polewarczyk	Representative	47	Spectrum Marketing Companies	\$1,983.03
10/10/2022	SUPPORT	Mr. Mark Walker	Representative	84	Spectrum Marketing Companies	\$2,136.93
10/10/2022	SUPPORT	Mrs. AnnMarie Fredericks	Representative	143	Spectrum Marketing Companies	\$1,539.57
10/10/2022	SUPPORT	Mrs. Kelly James	Representative	49	Spectrum Marketing Companies	\$1,867.32
10/10/2022	SUPPORT	Mr. Joseph McLaughlin	Representative	40	Spectrum Marketing Companies	\$1,614.24
Total itemized independent expenditures greater than \$250 per candidate						\$25,889.40
Total unitemized independent expenditures of \$250 or less per candidate						\$0.00
Total independent expenditures for all candidates						\$25,889.40

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
10/10/2022	Spectrum Marketing Companies 95 EDDY ROAD, SUITE 101 MANCHESTER, NH, 03102	Mailers	MHS	\$25,889.40
Total Expenditure				\$25,889.40



Commission on Governmental Ethics and Election Practices
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2022 INDEPENDENT EXPENDITURE REPORT

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REPORT	DUE DATE	REPORTING PERIOD
2-Day Pre-General IE Report	10/19/2022	10/17/2022-10/17/2022

FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$499.79
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$499.79

AFFIDAVIT

STATE OF _____

COUNTY OF _____

Aaron Kregenow, being duly sworn, attests that each of the expenditures listed in the attached report was made independently of, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate(s) named in the report, the political committee of the candidate(s), or their agents.

 (Signature of Affiant)

Sworn to before me this _____ day of _____ 2022

 (Notary Public/Attorney at Law)

Making a false statement under oath is punishable by law.

REPORT FILED BY: EMMA BURKE on behalf of Aaron Kregenow
 REPORT FILED ON: 10/24/2022 12:04:37 PM
 LAST MODIFIED:
 COMMITTEE ID: 370916
 REPORT NUMBER: 35111

**SCHEDULE B-IE-1
CANDIDATE(S) SUPPORTED/OPPOSED**

Expenditure Date	Support / Oppose	Candidate Name	Office	District / County	Payee	Expenditure Amount
10/17/2022	SUPPORT	Mr. Neil E McLean, Jr.	District Attorney	Prosecutorial District 3	Facebook	\$499.79
Total itemized independent expenditures greater than \$250 per candidate						\$499.79
Total unitemized independent expenditures of \$250 or less per candidate						\$0.00
Total independent expenditures for all candidates						\$499.79

**SCHEDULE B-IE-2
EXPENDITURES**

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
Date of expenditure	Payee	Remark	Expenditure type	Net Amount
10/17/2022	Facebook 1 HACKER WAY MENLO PARK, CA, 94025	Social media ad	ONL	\$499.79
Total Expenditure				\$499.79

Final Two Steps in Filing any Campaign Finance Report

Clicking the red File Report button (top right)

Maine Ethics Commission
CAMPAIGN FINANCE REPORTING

ALL

+ NEW TRANSACTION

Home
View/File Reports
Contributions
Expenditures
Loans
Debts
Contributor/Payee
Import Manager
Administration
Public Site
E-Filing Help
Logout

← 11-Day Pre-General Report: 09/21/2022 - 10/25/2022

24 Days late (Due Date: 10/28/2022)

PREVIEW FILE REPORT

Cash Summary

Cash Balance at Beginning of Period	\$300.00
Receipts	\$0.00
Expenditures	\$0.00
Cash Balance at End of Period	\$300.00

Other Activity

In Kind Contributions	\$0.00
Total Loan Balance at End of Period	\$0.00
Total Unpaid Debts at End of Period	\$0.00

Certifying the information in the report is true, accurate and complete

Maine Ethics Commission
CAMPAIGN FINANCE REPORTING

ALL

+ NEW TRANSACTION

Home
View/File Reports
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← 11-Day Pre-General Report: 09/21/2022 - 10/25/2022

24 Days late (Due Date: 10/28/2022)

PREVIEW FILE REPORT

Cash Summary

Cash Balance at Beginning of Period	\$300.00
Receipts	\$0.00
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Cash Balance at End of Period	\$300.00

Other Activity

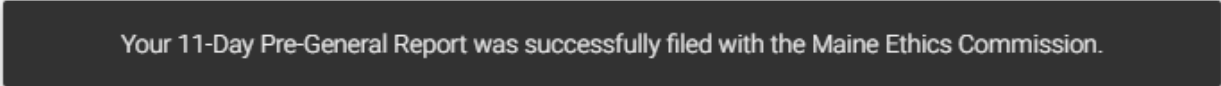
In Kind Contributions	\$0.00
Total Loan Balance at End of Period	\$0.00
Total Unpaid Debts at End of Period	\$0.00

By submitting this report, I certify that I have reviewed the information contained in this report and it is true, accurate and complete to the best of my knowledge. Knowingly making a false statement in a report filed with the Ethics Commission is subject to criminal prosecution.

Cancel Submit

Four Immediate Confirmations that a Campaign Finance Report has been Filed

(1) A pop-up message appears for around six seconds in the bottom third of the screen





Your 11-Day Pre-General Report was successfully filed with the Maine Ethics Commission.


(2) A confirmation email is sent to all users associated with the candidate or committee

Confirmation of Electronic Campaign Finance Filing for Storme Jude St. Valle



ethics@maine.gov

To  stormejstvalle@gmail.com;  stvalleabigail@gmail.com

Cc  Commission, Ethics



24 Hour Report of Contributions and Expenditures.pdf
13 KB

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.

The Campaign Finance Report due 11/4/2022 was successfully filed with the Maine Ethics Commission on 11/18/2022.

(3) After filing, the report moves from the Upcoming Reports section on the user's home page

The screenshot shows the user's home page on the Maine Ethics Commission Campaign Finance Reporting system. The page is divided into a left sidebar with navigation options and a main content area. The main content area is titled "Upcoming Reports" and "Recently Filed Reports".

Main Header: Maine Ethics Commission CAMPAIGN FINANCE REPORTING. Search bar: ALL Please enter minimum 3 characters to search. + NEW TRANSACTION button.

Left Sidebar: Home, View/File Reports, Contributions, Expenditures, Loans, Debts, Contributor/Payee, Import Manager, Administration, Public Site, E-Filing Help, Logout.

Upcoming Reports:

- Upcoming Report: 42-Day Post-General Report 10/26/2022 - 12/13/2022
Due on Dec 20, 2022

Recently Filed Reports:

- 11-Day Pre-General Report 09/21/2022 - 10/25/2022
This report was filed on 11/21/2022 09:52:31 AM **VIEW**
- 42-Day Pre-General Report 07/20/2022 - 09/20/2022
This report was filed on 09/28/2022 08:03:15 AM **VIEW**

[SEE MORE](#)

to the Recently Filed Reports section

The screenshot shows the user's home page on the Maine Ethics Commission Campaign Finance Reporting system, specifically focusing on the "Recently Filed Reports" section. The page is divided into a left sidebar with navigation options and a main content area.

Main Header: Maine Ethics Commission CAMPAIGN FINANCE REPORTING. Search bar: ALL Please enter minimum 3 characters to search. + NEW TRANSACTION button.

Left Sidebar: Home, View/File Reports, Contributions, Expenditures, Loans, Debts, Contributor/Payee, Import Manager, Administration, Public Site, E-Filing Help, Logout.

Recently Filed Reports:

- 42-Day Post-General Report 10/26/2022 - 12/13/2022
This report was filed on 11/21/2022 10:09:55 AM **VIEW**
- 11-Day Pre-General Report 09/21/2022 - 10/25/2022
This report was filed on 11/21/2022 09:52:31 AM **VIEW**
- 42-Day Pre-General Report 07/20/2022 - 09/20/2022
This report was filed on 09/28/2022 08:03:15 AM **VIEW**

[SEE MORE](#)

(4) On the View/File Reports screen, the report moves from the Unfiled tab

Maine Ethics Commission
CAMPAIGN FINANCE REPORTING

ALL * Please enter minimum 3 characters to search

+ NEW TRANSACTION

Home
View/File Reports
Contributions
Expenditures
Loans
Debts
Contributor/Payee
Import Manager
Administration
Public Site
E-Filing Help
Logout

View/File Reports

UNFILED FILED

2022 Election - TF Legislative

Report Name	Start of Period	End of Period	Due Date	Report Status	Unfiled Transactions
42-Day Post-General Report	10/26/2022	12/13/2022	12/20/2022	Unfiled	

1 Result

to the Filed tab

Maine Ethics Commission
CAMPAIGN FINANCE REPORTING

ALL * Please enter minimum 3 characters to search

+ NEW TRANSACTION

Home
View/File Reports
Contributions
Expenditures
Loans
Debts
Contributor/Payee
Import Manager
Administration
Public Site
E-Filing Help
Logout

View/File Reports

UNFILED FILED

2022 Election - TF Legislative

Report Name	Start of Period	End of Period	Due Date	Report Status	Filed Date	Amended Date
42-Day Post-General Report	10/26/2022	12/13/2022	12/20/2022	Filed	11/21/2022 10:09:55 AM	
11-Day Pre-General Report	09/21/2022	10/25/2022	10/28/2022	Filed	11/21/2022 9:52:31 AM	
42-Day Pre-General Report	07/20/2022	09/20/2022	09/27/2022	Filed	09/28/2022 8:03:15 AM	

3 Results

§1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure" means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized political committee or an agent of either and that:

A. Is made to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or [PL 2021, c. 132, §7 (AMD).]

B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure was not intended to influence the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day. [PL 2021, c. 132, §7 (AMD).]

[PL 2021, c. 132, §7 (AMD).]

2. Commission determination. A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material and shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

[PL 2021, c. 132, §8 (AMD).]

3. Report required; content; rules.

[PL 2009, c. 524, §6 (RPR); MRSA T. 21-A §1019-B, sub-§3 (RP).]

4. Report required; content; rules. A person, party committee or political action committee that makes any independent expenditure in excess of \$250 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2011, c. 558, §2 (AMD).]

B. A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty 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. [PL 2015, c. 350, §6 (AMD).]

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

- (1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or
- (2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.

C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.

3. **Reporting Schedules.** Independent expenditures in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:

A. *[Repealed]*

B. *[Repealed]*

- (1) **60-Day Pre-Election Report.** A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.
- (2) **Two-Day Report.** From the 60th day through the 14th day before an election, a report must be filed within two calendar days of the expenditure.
- (3) **One-Day Report.** After the 14th day before an election, a report must be filed within one calendar day of the expenditure.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday, or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and

§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); RSA T. 21- §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 (A D).]

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 (A D).]

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.