

Agenda

Item #9

Request for Waiver – ActBlue Maine PAC



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

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: September 9, 2014

Re: Request for Waiver of Late-Filing Penalty by ActBlue Maine PAC

In the thirteen days before an election, all political action committees, ballot question committees and political parties must file a report within 24 hours of receiving any single contribution of \$5,000 or more or making any expenditure of \$1,000 or more.¹ ActBlue is a nonprofit organization that operates a website for members of the public to make contributions to Democratic candidates and other committees. After it receives contributions for a candidate or committee, it periodically forwards them to the candidate or committee in the aggregate (minus a service fee).

ActBlue has registered with the Commission as ActBlue Maine PAC in order to comply with Maine campaign finance law. It reports its payments to candidates and committees as expenditures. On June 1, 2014, ActBlue Maine PAC (referred to below as "the PAC") forwarded contributions totaling \$3,652.73 to two candidates for Maine state office. On June 8, it forwarded a total of \$13,816.20 in contributions to two candidates and a PAC. Both sets of contributions were made during the 24-hour reporting period leading up to the June 10, 2014 primary election, but the PAC did not file 24-Hour Reports.

¹ Candidates have a similar 24-hour reporting requirement, except with a lower reporting threshold (\$1,000) for contributions.

LEGAL REQUIREMENTS

PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made during the 13 days before an election within 24 hours of that transaction. (21-A M.R.S.A. § 1059(2)(E)) If the PAC is late in filing the 24-hour report, the amount of the penalty is set by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1062-A(3))

LATE REPORTS AND PRELIMINARY PENALTIES

On June 1, 2014, the PAC made the following payments:

- \$1,827.79 to House candidate Monica Castellanos, and
- \$1,824.94 to Senate candidate Theodore Koffman.

On June 8, 2014, the PAC made the following payments:

- \$4,802.49 to the Alford Business, Community & Democracy PAC,
- \$2,281.17 to Theodore Koffman's campaign, and
- \$6,732.54 to Michael Michaud's campaign

Because these expenditures exceeded \$1,000, the PAC was required to report them within 24 hours.

In mid-July 2014, when the PAC entered the information about the transactions into the Commission's campaign finance reporting system for the 42-Day Post-Primary report,

the system reminded the PAC of the late 24-Hour Report. The PAC filed the 24-Hour Report on July 18, 2014.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amounts total \$17,845.49, calculated as follows:

| Transactions | Date | Financial Activity | Penalty Rate | Days Late | Preliminary Penalty |
|--|-------------|---------------------------|---------------------|------------------|----------------------------|
| Contributions to Monica Castellanos and Theodore Koffman | 6/1/2014 | \$3,652.73 | 1% | 46 | \$1,680.38 |
| Contributions to Alford Business, Community & Democracy PAC, Theodore Koffman, and Michael Michaud | 6/8/2014 | \$13,816.20 | 3% | 39 | \$16,165.11 |

PAC'S REQUEST FOR WAIVER

The PAC asks that the Commission waive the penalty because the size of the penalty outweighs the harm suffered by the public from the late disclosure. The PAC states that it was aware of the 24-hour reporting requirement and its reports were filed late as a result of a glitch in ActBlue's computer software which caused it to believe it had no contributions to report. The PAC argues that there was little harm to the public as the receiving organizations correctly and timely reported the contribution.² The PAC also highlights its position as a contribution aggregator, noting that funds do not belong to ActBlue, as they were earmarked by contributors for the PAC to pass along to other organizations. The PAC further argues that requiring it to report expenditures it makes to other organizations as an aggregator results in the double-counting of contributions,

² The recipient candidates and PAC reported these receipts in their July 22 reports, and identified them according to the original donor. The contributions from the original donors were sufficiently small that the recipient candidates and Alford PAC were not required to disclose them in 24-Hour Reports prior to the June 10, 2014 election.

further diminishing the harm to the public of the absence of reporting. Finally, the PAC argues that the Commission should consider its two late reports as one violation, as although the transactions involved occurred on two separate dates, they did occur within the same reporting period and were a result of the same internal error.

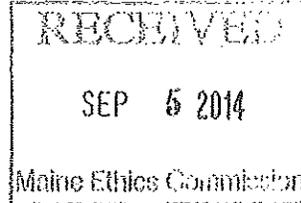
STAFF RECOMMENDATION

Violations of the 24-hour reporting requirements can be serious matters. 24-Hour Reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. In this situation, \$17,468.93 changed hands without being disclosed in a timely manner. The PAC did not file the 24-Hour Reports until reminded by the campaign finance reporting system. This PAC is a sophisticated actor on both the state and national political stages and should have the systems in place to ensure full compliance with reporting requirements. However, there are mitigating factors which suggest that a reduction in the preliminary penalty would be appropriate. The preliminary penalties totaling \$17,845.49 are large. The expenditures made by the PAC were reported by the receiving candidates and PAC in the July 22 reports, under the names of the original donors. Additionally, the PAC has had no previous violations. Weighing the factors, the staff recommends that the Commission find that the PAC failed to timely file the 24-hour reports required for the June 1, 2014 and June 8, 2014 transactions and impose penalties totaling \$500:

- \$100 for the June 1, 2014 violation, and
- \$400 for the June 8, 2014 violation.

These recommended penalties are consistent with \$500 penalties recommended for other cases of late-filing of 24-hour reports at your August and September meetings.

Thank you for your consideration of this memo.



September 3, 2014

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Re: Late Filing of 24-Hour Report

To Whom it May Concern:

This letter is in response to a late reporting penalty assessed to ActBlue in response to two expenditures on June 2, 2014 and three expenditures on June 8, 2014 that were not submitted within the 24-hour late reporting filing period. A letter was originally sent on July 28th, but ActBlue did not receive the letter. The issue was brought to our attention via e-mail on August 28th.

After close examination, ActBlue has determined that the contributions were filed late because of a technological error. ActBlue was aware of the late reporting period and rules regarding reporting requirements for that period. However, due to the large volume of data that ActBlue deals with, our reporting relies heavily on our custom-built software. In this particular case, a glitch in the software used to pull the data caused the report to show no transactions. ActBlue was thinking of the late reporting required, and took the correct steps to find and examine the data. However, due to this glitch in the system, ActBlue was under the impression that there was simply nothing to report.

ActBlue operates uniquely in the state since we receive and distribute earmarked contributions for other committees. ActBlue essentially passes contributions from contributor to committee, and at no point does ActBlue have discretion over how the funds are used. At no point do the funds actually belong to ActBlue, and in no circumstance would ActBlue expend this money for its own purposes. ActBlue functions solely as the facilitator of this transaction. In this circumstance, a fine assigned to ActBlue seems inappropriate and outside the intended purpose of the penalty since the funds never belong to ActBlue in any way.

ActBlue believes that the assigned penalty is disproportionate to harm suffered by the public from the late disclosure. Each candidate committee reports the contributions on the date they are originally received by ActBlue. So all of the transactions in question were disclosed to the public in the required timeframe by each individual committee. This reporting by the committee is in addition to ActBlue reporting the contribution and the expenditure to the committee, which essentially results in double reporting. Late expenditure reporting is only triggered by ActBlue's unique position as an aggregator of contributors. Seeing as the goal of late contribution reporting is full transparency and the contributions were disclosed, ActBlue feels that this goal was achieved.

Lastly, ActBlue believes this error should be considered one violation rather than two. Even though the transactions occurred on two separate dates, they occurred within the same reporting period and were a result of the same error. ActBlue has a long history of complete compliance with the Ethics Commission and this error is inconsistent with our reporting history. Because of this, ActBlue would greatly appreciate if this error were treated as a single violation.

We appreciate your consideration of our waiver request. Please feel free to contact me via phone at 620-820-9939 or via e-mail at laforge@actblue.com if you need any additional information.

Sincerely,

A handwritten signature in black ink that reads "Kate LaForge". The signature is written in a cursive style with a large, sweeping "K" and "L".

Kate LaForge
Principal Officer



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

2014 CAMPAIGN YEAR

| COMMITTEE | | TREASURER | |
|---|------------|---|--|
| ACTBLUE MAINE P.O. BOX 441146 SOMERVILLE, MA 02144 PHONE: (617) 517-7600 EMAIL: TREASURER@ACTBLUE.COM | | Erin Hill P.O. Box 441146 Somerville, MA 02144 PHONE: (617) 517-7600 EMAIL: treasurer@actblue.com | |
| REPORT | DUE DATE | REPORTING PERIOD | |
| 24 Hour Report of Major Contributions and Expenditures | 06/02/2014 | 06/01/2014 - 06/01/2014 | |

FINANCIAL ACTIVITY SUMMARY

| CONTRIBUTIONS AND EXPENDITURES | |
|--------------------------------|------------|
| 1. TOTAL CONTRIBUTIONS / LOANS | \$0.00 |
| 2. TOTAL EXPENDITURES | \$3,652.73 |
| 3. TOTAL DEBTS | \$0.00 |

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

REPORT FILED BY: ERIN HILL
REPORT FILED ON: 07/18/2014
LAST MODIFIED: 07/18/2014
PRINTED: 09/16/2014
COMMITTEE ID: 3152

24-HOUR EXPENDITURE AND PAYEE INFORMATION

| EXPENDITURE TYPES | | | | |
|--|---|--------------------------------------|--|-------------------|
| CNS | Campaign consultants | POL | Polling and survey research | |
| CON | Contribution to other candidate, party, committee | POS | Postage for U.S. Mail and mail box fees | |
| EQP | Equipment (office machines, furniture, cell phones, etc.) | PRO | Other professional services | |
| FND | Fundraising events | PRT | Print media ads only (newspapers, magazines, etc.) | |
| FOD | Food for campaign events, volunteers | RAD | Radio ads, production costs | |
| LIT | Print and graphics (flyers, signs, palmcards, t-shirts, etc.) | SAL | Campaign workers' salaries and personnel costs | |
| MHS | Mail house (all services purchased) | TRV | Travel (fuel, mileage, lodging, etc.) | |
| OFF | Office rent, utilities, phone and internet services, supplies | TVN | TV or cable ads, production costs | |
| OTH | Other | WEB | Website design, registration, hosting, maintenance, etc. | |
| PHO | Phone banks, automated telephone calls | | | |
| DATE OF EXPENDITURE | PAYEE | REMARK | TYPE | AMOUNT |
| 6/1/2014 | MONICA CASTELLANOS 30 SOUTH CHESTNUT STREET AUGUSTA, ME 4330 | AGGREGATE OF EARMARKED CONTRIBUTIONS | CON | \$1,827.79 |
| 6/1/2014 | THEODORE KOFFMAN 168 MILLBROOK RD BAR HARBOR, ME 4609 | AGGREGATE OF EARMARKED CONTRIBUTIONS | CON | \$1,824.94 |
| TOTAL EXPENDITURES FOR CANDIDATE: | | | | \$3,652.73 |



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

2014 CAMPAIGN YEAR

| COMMITTEE | | TREASURER | |
|---|------------|---|--|
| ACTBLUE MAINE P.O. BOX 441146 SOMERVILLE, MA 02144 PHONE: (617) 517-7600 EMAIL: TREASURER@ACTBLUE.COM | | Erin Hill P.O. Box 441146 Somerville, MA 02144 PHONE: (617) 517-7600 EMAIL: treasurer@actblue.com | |
| REPORT | DUE DATE | REPORTING PERIOD | |
| 24 Hour Report of Major Contributions and Expenditures | 06/09/2014 | 06/08/2014 - 06/08/2014 | |

FINANCIAL ACTIVITY SUMMARY

| CONTRIBUTIONS AND EXPENDITURES | |
|--------------------------------|-------------|
| 1. TOTAL CONTRIBUTIONS / LOANS | \$0.00 |
| 2. TOTAL EXPENDITURES | \$13,816.20 |
| 3. TOTAL DEBTS | \$0.00 |

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

REPORT FILED BY: ERIN HILL
REPORT FILED ON: 07/18/2014
LAST MODIFIED: 07/18/2014
PRINTED: 09/16/2014
COMMITTEE ID: 3152

24-HOUR EXPENDITURE AND PAYEE INFORMATION

| EXPENDITURE TYPES | | | | |
|--|--|--------------------------------------|--|--------------------|
| CNS | Campaign consultants | POL | Polling and survey research | |
| CON | Contribution to other candidate, party, committee | POS | Postage for U.S. Mail and mail box fees | |
| EQP | Equipment (office machines, furniture, cell phones, etc.) | PRO | Other professional services | |
| FND | Fundraising events | PRT | Print media ads only (newspapers, magazines, etc.) | |
| FOD | Food for campaign events, volunteers | RAD | Radio ads, production costs | |
| LIT | Print and graphics (flyers, signs, palmcards, t-shirts, etc.) | SAL | Campaign workers' salaries and personnel costs | |
| MHS | Mail house (all services purchased) | TRV | Travel (fuel, mileage, lodging, etc.) | |
| OFF | Office rent, utilities, phone and internet services, supplies | TVN | TV or cable ads, production costs | |
| OTH | Other | WEB | Website design, registration, hosting, maintenance, etc. | |
| PHO | Phone banks, automated telephone calls | | | |
| DATE OF EXPENDITURE | PAYEE | REMARK | TYPE | AMOUNT |
| 6/8/2014 | ALFOND BUSINESS, COMMUNITY & DEMOCRACY PAC 143 VAUGHAN STREET PORTLAND, ME 04102 | AGGREGATE OF EARMARKED CONTRIBUTIONS | CON | \$4,802.49 |
| 6/8/2014 | THEODORE KOFFMAN 168 MILLBROOK RD BAR HARBOR, ME 4609 | AGGREGATE OF EARMARKED CONTRIBUTIONS | CON | \$2,281.17 |
| 6/8/2014 | MIKE MICHAUD PO BOX 1590 PORTLAND, ME 4104 | AGGREGATE OF EARMARKED CONTRIBUTIONS | CON | \$6,732.54 |
| TOTAL EXPENDITURES FOR CANDIDATE: | | | | \$13,816.20 |



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

July 28, 2014

Erin Hill, Treasurer
ActBlue Maine PAC
PO Box 441146
Somerville, MA 02144

Re: Late Filing of 24-Hour Report

Dear Ms. Hill,

The Commission staff has made a preliminary determination that the ActBlue Maine PAC (the PAC) was late in filing the 24-Hour Report required for a \$1,827.79 expenditure in the form of a contribution to Monica Castellanos's campaign and a \$1,824.94 expenditure in the form of a contribution to Theodore Koffman's campaign the PAC reported making on June 1, 2014. The report was due by 11:59 p.m. on June 2, 2014, but was not filed until July 18, 2014. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$1,680.38 is owed. (Please see attached penalty matrix for the calculation).

The PAC may make a written request that 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 PAC 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 that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC 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 me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Erin Hill, Treasurer
ActBlue Maine PAC
PO Box 441146
Somerville, MA 02144

Violation: Late 24-hour Report
Amount Due: \$1,680.38

Committee Name: ActBlue Maine PAC

Report Title: 24-Hour Report

Due Date: June 2, 2014

Previous Violation(s): N/A

Filed Date: July 18, 2014

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, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

| Penalty Example: | | Your Penalty is calculated as follows: | |
|---|--|--|------------|
| The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is | | Contributions / Expenditures: | \$3,652.73 |
| \$2,500 | Greater amount of the total contributions received or expenditures made during the filing period | X | |
| | | Percent Prescribed: | 1% |
| X .01 | Percent prescribed for first violation | | \$36.53 |
| | | X | |
| \$25.00 | One percent of total contributions | Number of days late: | 46 |
| X 2 | Number of calendar days late | | |
| \$50.00 | Total Penalty | Total penalty accrued: | \$1,680.38 |

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

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.



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

July 28, 2014

Erin Hill, Treasurer
ActBlue Maine PAC
PO Box 441146
Somerville, MA 02144

Re: Late Filing of 24-Hour Report

Dear Ms. Hill,

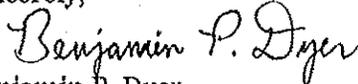
The Commission staff has made a preliminary determination that the ActBlue Maine PAC (the PAC) was late in filing the 24-Hour Report required for the following expenditures in the forms of contributions: \$4,802.49 to the Alford Business, Community & Democracy PAC, a \$2,281.17 to Theodore Koffman's campaign, and \$6,732.54 to Michael Michaud's campaign. The PAC reported making these expenditures on June 8, 2014. The report was due by 11:59 p.m. on June 9, 2014, but was not filed until July 18, 2014. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$16,165.11 is owed. (Please see attached penalty matrix for the calculation).

The PAC may make a written request that 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 PAC 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 that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC 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 me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,


Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

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

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Erin Hill, Treasurer
ActBlue Maine PAC
PO Box 441146
Somerville, MA 02144

Violation: Late 24-hour Report
Amount Due: \$16,165.11

Committee Name: AcBlue Maine PAC

Report Title: 24-Hour Report

Due Date: June 9, 2014

Previous Violation(s): June 3, 2014

Filed Date: July 18, 2014

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, 1%

For the second violation, 3%

For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

| Penalty Example: | | Your Penalty is calculated as follows: | |
|---|--|---|---------------------------|
| The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is | | Contributions / Expenditures: | <u>\$13,816.20</u> |
| \$2,500 | Greater amount of the total contributions received or expenditures made during the filing period | X | |
| | | Percent Prescribed: | <u>3%</u> |
| X .01 | Percent prescribed for first violation | | <u>\$414.49</u> |
| | | X | |
| \$25.00 | One percent of total contributions | Number of days late: | <u>39</u> |
| X 2 | Number of calendar days late | | |
| \$50.00 | Total Penalty | Total penalty accrued: | <u><u>\$16,165.11</u></u> |

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

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(3)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.

21-A M.R.S.A. § 1059. REPORT; FILING REQUIREMENTS

Committees required to register under section 1052-A, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline. [2013, c. 334, §27 (AMD).]

1. Contents; quarterly reports and election year reports.

[2007, c. 443, Pt. A, §35 (RP) .]

2. Reporting schedule. Committees shall file reports according to the following schedule.

A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th. [2011, c. 691, Pt. A, §19 (RPR).]

B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2007, c. 443, Pt. A, §35 (AMD).]

C. Preelection and post-election reports for special elections or ballot measure campaigns must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date. [2011, c. 389, §45 (AMD).]

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [1991, c. 839, §29 (RPR).]

E. A committee shall report any single contribution of \$5,000 or more received or 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 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. [2013, c. 334, §28 (AMD).]

[2013, c. 334, §28 (AMD) .]

3. Report of expenditures made after the 11th day and more than 48 hours before any election.

[1989, c. 504, §§28, 31 (RP) .]

21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

1. Registration. A political action committee required to register under section 1052-A or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

[2013, c. 334, §30 (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 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to 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 of the committee treasurer 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; [1999, c. 729, §9 (AMD).]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD).]

C. 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. [2007, c. 443, Pt. A, §38 (AMD).]

[2009, c. 190, Pt. A, §29 (AMD) .]

3. 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, 1%; [1995, c. 483, §21 (NEW).]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW).]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW).]

Any penalty of less than \$10 is waived.