



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

To: Commissioners
From: Jonathan Wayne, Executive Director
Emma Burke, Candidate Registrar
Date: October 13, 2016
Re: Request for Waiver of Late-Filing Penalty for Non-Compliant Report filed by
Daniel Lauzon

Daniel Lauzon is a Maine Clean Election Act candidate for the Maine House of Representatives, District 20. On September 27, 2016, all candidates were required to file a 42-Day Pre-General Report. The report covered financial activity from July 20 to September 20, 2016. Mr. Lauzon filed the report five days early, but it stated inaccurately that he had made \$958.36 in expenditures. Because of a misunderstanding by the candidate concerning the records available to the treasurer, the report was missing four payments totaling \$10,862.00. The campaign amended the report on September 29 (two days after the deadline) to include the missing expenditures. The staff is viewing the report as late (because it was not substantially complete), and the candidate is requesting a waiver of the preliminary penalty of \$434.48.

LEGAL REQUIREMENTS

Legislative candidates are required to file a report on the forty-second day before the date on which a general election is held and must be complete for the filing period as of the forty-ninth day before that date. (21-A M.R.S.A. § 1017(3-A)(D-1)) A report is considered timely filed only if it is submitted by the deadline and *substantially conforms to the disclosure requirements of the Election Law*. (21-A M.R.S.A. § 1020-A(2)) If the candidate is late in filing a substantially conforming 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.A. § 1020-A)(4-A))

DISCUSSION

The original version of Mr. Lauzon’s 42-Day Pre-General Report was filed five days early on September 22, 2016. An amended version, which increased the amount of expenditures from \$958.36 to \$11,820.36, was filed on September 29, 2016. The originally filed report did not include three expenditures that the candidate had made in August to a mailhouse vendor, and one payment to Facebook.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount totals \$434.48, calculated as follows:

Report	Deadline	Missing Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
42-Day Pre-General Report	09/27/2016	\$10,862.00	2%	2	\$434.48

Through a letter dated October 5, 2016 (attached), Mr. Lauzon asks that the Commission waive the preliminary penalty and finding of violation. According to the campaign, Mr. Lauzon and campaign treasurer Ellen Harris-Howard are joint holders of the campaign’s bank account, and Mr. Lauzon assumed that Ms. Harris-Howard would be receive monthly bank statements as he was, and would be aware of all of the campaign financial activity for reporting purposes. In fact, Ms. Harris-Howard was not receiving bank statements and was relying on the candidate for receipts and invoices to enter transactions and file reports. When Mr. Lauzon gave her multiple invoices and receipts for recordkeeping purposes, she realized amendments needed to be made on the September report. Ms. Harris-Howard subsequently contacted Ms. Burke to receive assistance in doing so.

STAFF RECOMMENDATION

Accurate and complete campaign finance reports are an integral part of Maine Campaign Finance Law. Candidates, party activists, news reporters and others visit the

Commission's public access website after a filing deadline in order to find out how candidates and committees have raised and spent their campaign funds. They should have access to the candidate's or committee's *complete* financial activity as soon as the filing deadline has passed. It is not practical for concerned members of the public to keep checking the Commission's website to verify whether a report has been amended. Significantly incomplete or nonconforming reports can have the result of denying meaningful information to the public and to the opposing candidate and political committees.

Mr. Lauzon has provided a plausible explanation as to why four expenditures totaling \$10,862 were omitted from his 42-Day Pre-General Report, but he should have worked with Ms. Harris-Howard to make sure the report being filed was complete and accurate. However, the campaign was able to make the necessary amendments only two days after the deadline.

The Commission staff views the preliminary penalty of \$434.48 as disproportionate to the harm to the public from the late disclosure. We recommend reducing the penalty to \$100.

Thank you for your consideration of this memo.

Daniel J. Lauzon, Candidate for House District 20

301 Depot Rd. Lebanon Maine 04027

207-432-6491 danlauzon@metrocast.net

Emma Burke

October 5, 2016

Candidate Registrar

45 Memorial Circle, Augusta, Maine 04333

Re: Notice of Violation for Late-Filed 42-Day Pre-General Report

Dear Ms. Burke,

Kindly consider this as formal request for the Commission to hear an explanation as to why an error occurred triggering a non-conformity in reporting.

At the beginning of this campaign; I, along with my Treasurer opened a joint business checking account. Both names appear on all bank documents.

Running under the assumption that the treasurer was receiving monthly bank statements I was dismayed to learn shortly after the 42-Day Pre-General Report was filed that she was not receiving monthly statements.

Realizing that she had no idea that checks 1104, 1105 and 1106 were written and cleared, the amended report was only two days past the deadline.

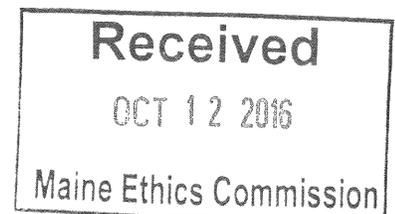
We deeply regret this innocent oversight and ask that the Commission consider waiving this penalty.

Sincerely,



Daniel J. Lauzon

Cc: Ellen Harris-Howard, Treasurer





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

2016 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
DANIEL J LAUZON 301 DEPOT RD. LEBANON, ME 04027 PHONE: (207) 432-6491 EMAIL: DANLAUZON@METROCAST.NET		ELLEN HARRIS-HOWARD 1062 CARL BROGGI HWY LEBANON, ME 04027 PHONE: (508) 572-3418 EMAIL: BET103@METROCAST.NET	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY PRE-GENERAL REPORT	09/27/2016	07/20/2016 - 09/20/2016	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$6,110.84	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$670.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$6,250.00	\$13,000.00
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$958.36	\$2,267.52
7. CASH BALANCE AT CLOSE OF PERIOD	\$11,402.48	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, ELLEN HARRIS-HOWARD, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: ELLEN HARRIS-HOWARD
 REPORT FILED ON: 09/22/2016
 LAST MODIFIED: 09/22/2016
 PRINTED: 10/13/2016
 COMMITTEE ID: 9213

**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	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
8/12/2016	MCEA PAYMENT		15	\$5,000.00
9/7/2016	MCEA PAYMENT		15	\$1,250.00
TOTAL CASH CONTRIBUTIONS				\$6,250.00

**SCHEDULE B
EXPENDITURES**

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
7/21/2016	HANNAFORD 800 MAIN ST SANFORD, ME 04073	MONEY ORDERS FOR CLEAN ELECTIONS	POS	\$60.00
7/21/2016	LEBANON POST OFFICE 5 LITTLE RIVER RD LEBANON, ME 04027	STAMPS FOR THANK YOU CARDS	POS	\$35.15
7/22/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS, LEBANON TO ACTON TO LEBANON	TRV	\$25.96
7/23/2016	DANIEL LAUZON 301 DEPOT RD LEBAON, ME 04027	DOORS LEBANON TO ACTON TO LEBANON	TRV	\$9.24
7/25/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	MILAGE FOR DOING DOORS AND OTHER TRAVEL RELATED TO CAMPAIGN (TRIP TO ETHICS COMMITTEE AND TO PICK UP PRINTED MATERIAL)	TRV	\$86.24
7/27/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS, ACTON, SHAPLEIGH, LEBANON	TRV	\$32.12
7/27/2016	USPS 5 LITTLE RIVER RD LEBANON, ME 04027	LG ENVELOPE MAILING	POS	\$1.15
7/28/2016	DANIEL LAUZON 330 DEPOT RD LEBANON, ME 04027	LLS TO AND FROM AUGUSTA FOR CLEAN ELECTION	TRV	\$7.00
7/28/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	TO AND FROM AUGUSTA FROM LEBANON FOR CLEAN ELECTIONS	TRV	\$86.24
8/1/2016	USPS 5 LITTLE RIVER RD LEBANON, ME 04027	STAMPS FOR MAILING	POS	\$47.00
8/3/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS IN LEBANON LEBANON TO BIDDEFORD AND BACK FOR WEBSITE CREATION	TRV	\$35.20

8/4/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS IN LEBANON	TRV	\$17.60
8/4/2016	STAPLES 125 WASHINGTON ST ROCHESTER, NH 03867	OFFICE SUPPLIES: CARD STOCK, WRITING PADS,	OFF	\$57.21
8/6/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS I LEBANON	TRV	\$16.72
8/8/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS IN ACTON	TRV	\$34.76
8/9/2016	DANIEL LAUZON 301 DEPOT RD LAUZON, ME 04027	DOORS IN ACTON	TRV	\$24.64
8/13/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON	TRV	\$14.52
8/15/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	ACTON DOORS	TRV	\$10.56
8/17/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON	TRV	\$10.56
8/23/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	ACTON DOORS	TRV	\$10.16
8/29/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$13.20
8/31/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$22.00
9/2/2016	HANNAFORD 800 MAIN ST SANFORD, ME 04073	MONEY ORDERS FOR CLEAN ELECTIONS	OTH	\$60.00
9/2/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS SHAPLEIGH	TRV	\$11.88
9/8/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON	TRV	\$14.96
9/14/2016	DANIEL LAUZON 301 DEPOT RD LEBANOLN, ME 04027	DOORS ACTON, LEBANON	TRV	\$27.28
9/14/2016	STAPLES 125 WASHINGTON ST ROCHESTER, NH 03867	PAPER TAPE, WHITE OUT, GLUE STICKS ETC	OFF	\$24.34
9/15/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$13.64
9/16/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON, LEBANON	TRV	\$62.48
9/16/2016	STAPLES 125 WASHINGTON ST ROCHESTER, NH 03867	SHARPIES, ELASTICS	OFF	\$24.07
9/17/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON, LEBANON	TRV	\$24.64

9/20/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON AND LEBANON	TRV	\$37.84
TOTAL EXPENDITURES FOR CANDIDATE:				\$958.36



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5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$11,820.36	\$13,129.52
7. CASH BALANCE AT CLOSE OF PERIOD	\$540.48	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
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9/7/2016	MCEA PAYMENT		15	\$1,250.00
TOTAL CASH CONTRIBUTIONS				\$6,250.00

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
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7/27/2016	USPS 5 LITTLE RIVER RD LEBANON, ME 04027	LG ENVELOPE MAILING	POS	\$1.15
7/28/2016	DANIEL LAUZON 330 DEPOT RD LEBANON, ME 04027	LLS TO AND FROM AUGUSTA FOR CLEAN ELECTION	TRV	\$7.00
7/28/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	TO AND FROM AUGUSTA FROM LEBANON FOR CLEAN ELECTIONS	TRV	\$86.24
8/1/2016	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	FACEBOOK AD ONLINE MEDIA NOT SURE WHERE THIS GOES	PRO	\$120.00
8/1/2016	USPS 5 LITTLE RIVER RD LEBANON, ME 04027	STAMPS FOR MAILING	POS	\$47.00

8/3/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS IN LEBANON LEBANON TO BIDDEFORD AND BACK FOR WEBSITE CREATION	TRV	\$35.20
8/4/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS IN LEBANON	TRV	\$17.60
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8/9/2016	DANIEL LAUZON 301 DEPOT RD LAUZON, ME 04027	DOORS IN ACTON	TRV	\$24.64
8/13/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON	TRV	\$14.52
8/15/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	ACTON DOORS	TRV	\$10.56
8/17/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON	TRV	\$10.56
8/18/2016	MACH3MEDIA 126 FRANCIS STREET PORTLAND, ME 04102	HOUSE DIRECT MAIL	LIT	\$2,648.00
8/23/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	ACTON DOORS	TRV	\$10.16
8/27/2016	MACH3MEDIA 126 FRANCIS STREET PORTLAND, ME 04102	DIRECT MAIL	LIT	\$1,324.00
8/28/2016	MACH3MEDIA 126 FRANCIS STREET PORTLAND, ME 04102	HOUSE DIRECT MAIL	LIT	\$6,770.00
8/29/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$13.20
8/31/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$22.00
9/2/2016	HANNAFORD 800 MAIN ST SANFORD, ME 04073	MONEY ORDERS FOR CLEAN ELECTIONS	OTH	\$60.00
9/2/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS SHAPLEIGH	TRV	\$11.88
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9/15/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS LEBANON	TRV	\$13.64
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9/17/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON, LEBANON	TRV	\$24.64
9/20/2016	DANIEL LAUZON 301 DEPOT RD LEBANON, ME 04027	DOORS ACTON AND LEBANON	TRV	\$37.84
TOTAL EXPENDITURES FOR CANDIDATE:				\$11,820.36

October 4, 2016

Daniel Lauzon
301 Depot Road
Lebanon, Maine 04027

Re: Notice of Violation and Penalty for Late-Filed 42-Day Pre-General Report

Dear Mr. Lauzon:

You filed your 42-Day Pre-General Report on September 22, 2016, and subsequently filed an amended version of the report on September 29, 2016. The amended version of the report significantly increased the amount of expenditures than originally reported. Therefore, the Commission staff considers the report late as a result of substantial non-conformity with disclosure requirements (21-A M.R.S.A. § 1020-A(2)). Under the Commission's statutes the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$434.48. Please see the next page for the penalty calculation.

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

The Commission may waive or reduce the penalty or find that there was no violation 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 a bona fide effort was made to file the report on time. The Commission may also consider whether the penalty is disproportionate to the level of experience of the person filing the report or the harm to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact the Commission staff at (207) 287-4179 or ethics@maine.gov if you have any questions.

Sincerely,



Emma Burke
Candidate Registrar

cc: Ellen Harris-Howard

PENALTY CALCULATION

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

HOW YOUR PENALTY WAS CALCULATED

Filer: Daniel Lauzon			
Late-Filed Report: 42-Day Pre-General			
Contributions	\$6,250	Penalty Base Amount	\$10,862.00
Expenditures	\$11,820.36 (+\$10,862.00 change)	Percentage	2%
Due Date	09/27/2016	Daily Accrual Rate	\$217.24
Date Filed	09/29/2016	Days Late	2
Previous Violations	0	Your Total Penalty	\$434.48

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Daniel Lauzon

Penalty Amount: \$434.48

Penalty ID: N/A

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment so that it will be properly accounted for.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties. Please include the penalty ID so that your payment will be properly accounted for.

Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 13: CAMPAIGN REPORTS AND FINANCES

§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 \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

[1995, c. 483, §15 (NEW) .]

 **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; [1999, c. 729, §5 (AMD).]

B. An error by the commission staff; [1999, c. 729, §5 (AMD).]

C. Failure to receive notice of the filing deadline; or [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. [2009, c. 190, Pt. A, §13 (AMD).]

[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.

[2011, c. 389, §22 (AMD); 2011, c. 389, §62 (AFF) .]

4. Basis for penalties.

[2001, c. 470, §7 (AMD); 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%; [2015, c. 1, §7 (AMD).]

B. For the 2nd violation, 4%; and [2015, c. 1, §7 (AMD).]

C. For the 3rd and subsequent violations, 6%. [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.

[2015, c. 1, §7 (AMD) .]