



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: November 5, 2015  
Re: Request for Waiver of Late-Filing Penalty by Maine Green Independent Party

---

All state political parties are required to file campaign finance reports by deadlines set in statute. The Maine Green Independent Party's (the Party) 2015 October Quarterly report was due on October 5, 2015, but was not filed until October 21, 2015.

### **LEGAL REQUIREMENTS**

State political parties are required to file campaign finance reports according to a schedule set by statute. (21-A M.R.S.A. §1017-A(4-A)) The 2015 October Quarterly report was due on October 5, 2015. If a party is late in filing a campaign finance report, the amount of the preliminary penalty is set by a formula which takes into consideration the amount of the transactions reported late, 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**

On October 4, 2015, the Party's treasurer, Mako Bates, contacted the Commission staff asking for an extension to file the Party's 2015 October Quarterly report. When we explained that the staff does not have the discretion to grant extensions on filing

deadlines, Mr. Bates said that he expected the Party would be late filing its report because he was the Party's new treasurer but did not have any information about the Party's finances. The Party did not file its report until October 21, 2015.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty is calculated as follows:

<b>Filing</b>	<b>Due Date</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
2015 October Quarterly Report	10/5/2015	\$1,202.89	5%	16	\$962.24

In its request for a waiver, the Party notes that its previous treasurer stopped working with the Party for political reasons on August 2, 2015 and would not provide access to financial records, that during August 2-22 the interim treasurer did not collect any documentation, and that the bank records of the Party were inaccessible to the Party's new leadership until October 21<sup>st</sup>. The Party also notes that nearly all the transactions for the filing period were operating expenditures which recur on a monthly or yearly basis, minimizing harm to the public. The Party also offers that its treasurer is inexperienced, his previous experience limited to having served as treasurer of a well-organized state university student group that relied on professional accountants.

**STAFF RECOMMENDATION**

The timely filing of accurate campaign finance reports is the bedrock of Maine's campaign finance disclosure system. Violations of these reporting requirements can be serious because the public is denied information it needs to determine who is financing

campaign activity in Maine and the connections among entities that money creates. In its waiver request, the Party describes a disorganized handover of information from the Party's previous officers to its current officers. The violator in this instance is a state-level political party which should have had the organization and controls in place to ensure that the Party's filing obligations were met. In addition, this is the third late filing for the Party since the beginning of 2014, suggesting that, thus far, the Party has not given filing its campaign finance reports the time or attention required.

However, the lack of harm to the public in this particular instance is a significant mitigating factor. As the PAC noted, the unreported expenditures, which are the majority of the financial transactions reported, are primarily recurring operating expenditures which support the Party's internal operations, rather than contributions to other candidates or committees or expenditures to influence campaigns - arguably less critical information to the public. Although Commission staff can locate no precedent for a state-level party simply filing its regular quarterly reports late, staff does believe a reduction in the penalty is appropriate. Balancing the expectations of a state-level party with the lack of harm to the public from the late filing, the Commission staff recommends a partial waiver and the imposition of a \$400 penalty.

Thank you for your consideration of this memo.

October 31<sup>st</sup>, 2015

Benjamin P. Dyer  
Political Committee and Lobbyist Registrar  
Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333-0135

Re: Late Filing of October Quarterly Report

Dear Mr. Dyer;

I've received your letter confirming that the Maine Green Independent Party, for which I am now treasure, was 16 days late in filing its 2015 October Quarterly Report, and that a penalty of \$962.24 is owed. I am writing to request a waiver of that penalty. A 16-day tardiness is a considerable error; I'm hoping you'll understand our circumstances and find that the penalty is disproportionate to my experience and to the harm suffered by the public.

Our report was late because we needed to re-build our financial records from our bank's data, which was unavailable to me until October 21<sup>st</sup>. I contacted your office on October 4<sup>th</sup> to let you know we'd be unable to file by the 5<sup>th</sup>. I now realize I should have filed a partial report, and I hope that you can excuse my inexperience. I also hope you will find that the calculated penalty is disproportionate to the circumstances.

Our previous elected treasurer stopped working with the party August 2<sup>nd</sup> for political reasons. I've only spoken with him once, at which meeting he declined to pass off to me any of the paperwork he had. Our interim treasure, up until my election on August 22<sup>nd</sup>, did not compile any documentation. The records stored in our online CMS did not include expenses or cash donations. As a last resort, I was able to fill in the report based on our bank's records, however the printed summaries I was given when I visited our bank were insufficiency detailed.

When I called your office on October 4<sup>th</sup> asking if an extension on the filing deadline were possible, my peers and I were trying to get access to our online banking portal. Every login password for the portal had been lost before I was brought on as treasure. Our co-chair locked the account by trying to guess the

password, and our bank, Bank of Maine, was in the process of merging into Camden National Bank at the same time. On October 21<sup>st</sup>, our co-chair finally got me access to the portal and I was able to complete the report.

I did not understand the urgency of this matter until I got your October 20<sup>th</sup> letter (received October 22<sup>nd</sup>) explaining the penalty calculation; I hadn't been able to find the relevant statute previously. It is possible that more experienced treasurer or accountant would have known what documents to look for and where, and would have managed to submit a report sooner. My previous experience as a treasurer was with the well organized USM Student Government Association, which employs two recommendable accountants to do bookkeeping. I still hope and expect that I am up to the job in general, but I evidently was not prepared to compile this first report in a timely fashion. The MGIP is an entirely volunteer organization. We'll be discussing a paid accountant at our November 5<sup>th</sup> meeting, but I don't think we'll find it to be a good investment.

I don't know how your commission measures harm to the public, nor do I imagine that the penalties are intended to be literally equal to such harm in any sense. That said, our expenses in the July-September quarter are about evenly split between recurrent monthly expenses and recurrent yearly expenses, so it is highly improbable that anyone was deprived of important information, even understanding that 16 days late is awfully late.

I hope that your commission will decide to waive the penalty. Please call me at (207) 205-4767 or email me at [mako.bates@maine.edu](mailto:mako.bates@maine.edu) if you have questions.

Sincerely,

Mako P. Bates  
Treasurer to the Maine Green Independent Party.

P.S.: Regarding the accuracy rebuilding our records from a second-choice dataset; I have discussed this with the Party's senior co-chair. There are not other reservoirs of funding, so all monetary translations within the quarter are reflected in our bank's records. There were no in-kind donations in the quarter to report, nor were there any loan disbursements or payments.



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

October 29, 2015

Mr. Mako Bates, Treasurer  
Maine Green Independent Party  
222 Danforth St, Apt #1  
Portland, ME 04102

Re: Late Filing of October Quarterly Report

Dear Mr. Bates,

The Commission staff has made a preliminary determination that the Maine Green Independent Party (the Party) was late in filing its 2015 October Quarterly Report. The report was due by 11:59 p.m. on October 5, 2015, but was not filed until October 21, 2015. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A(4-A)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the Party's history of violations, the commission staff has determined that a penalty of \$962.24 is owed. (Please see attached penalty matrix for the calculation).

The Party 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 Party 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 Party 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](mailto:benjamin.p.dyer@maine.gov) if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

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."

Mr. Mako Bates, Treasurer  
Maine Green Independent Party  
222 Danforth St, Apt #1  
Portland, ME 04102

**Violation:** Late 2015 October Quarterly Report  
**Amount Due:** \$962.24

---

**Committee Name:** Maine Green Independent Party  
**Previous Violation(s):** 2014 42-Day Post-Primary  
 2015 July Quarterly

**Report Title:** 2015 October Quarterly  
**Due Date:** October 5, 2015  
**Filed Date:** October 21, 2015

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.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the Party's report two (2) days late. The Party has not had any previous late violations this biennium. The Party reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	<u>\$1,202.89</u>
X .01	Percent prescribed for first violation	Percent Prescribed:	<u>5%</u>
\$25.00	One percent of total contributions	Number of days late:	<u>16</u>
X 2	Number of calendar days late	Total penalty accrued:	<u>\$962.24</u>
\$50.00	<b>Total Penalty</b>		

**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 1020-A(5)  
 \$5,000 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

October 6, 2015

Mako Bates, Treasurer  
Maine Green Independent Party  
222 Danforth St, Apt #1  
Portland, ME 04102

**Re: Delinquent Campaign Finance Report for the Maine Green Independent Party  
– Due October 5, 2015**

Mr. Bates:

Our records show that the Party has not filed its October Quarterly Campaign Finance Report. State law [21-A M.R.S.A. § 1020-A] requires that a penalty be assessed for late reports based on the amount of financial activity conducted during the filing period, on the number of calendar days a report is filed late, and on the PAC's filing record. If you raised or spent money during the filing period, you could be subject to civil penalties, which are accruing on a daily basis. Once you have filed your report, our office will calculate the penalty and will notify you of the amount of the penalty.

**Therefore, we urge you to file your report as soon as possible.**

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Dyer".

Benjamin P. Dyer  
Political Committee and Lobbyist Registrar



Commission on Governmental Ethics and Election Practices  
Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
Phone: 207-287-4179  
Fax: 207-287-6775

## 2015 CAMPAIGN FINANCE REPORT

### FOR PARTY COMMITTEES

COMMITTEE		TREASURER	
MAINE GREEN INDEPENDENT PARTY PO BOX 10345 PORTLAND, ME 04104 PHONE: (207) 200-6447 EMAIL: LIMERICKGIL@GMAIL.COM		MAKO BATES 222 DANFORTH ST APT #1 PORTLAND, ME 04102 PHONE: (207) 205-4767 EMAIL: MAKO.BATES@MAINE.EDU	
REPORT	DUE DATE	REPORTING PERIOD	
OCTOBER QUARTERLY REPORT	10/05/2015	07/01/2015 - 09/30/2015	

### FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$351.33	\$2,483.25
2. OTHER CASH RECEIPTS (INTEREST, ETC.)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS (LINE 1 + 2 + 3)	\$351.33	\$2,483.25
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$1,202.89	\$2,893.41
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$1,202.89	\$2,893.41
OTHER ACTIVITY		
9. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
10. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
11. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: MAKO BATES  
REPORT FILED ON: 10/21/2015  
LAST MODIFIED: 10/21/2015  
PRINTED: 11/05/2015  
COMMITTEE ID: 1176

**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
7/17/2015	THE BANK OF MAINE 2 CANAL PLAZA PORTLAND, ME 04101		16	\$10.00
8/2/2015	THE BANK OF MAINE 2 CANAL PLAZA PORTLAND, ME 04101		16	\$0.19
8/22/2015	CONTRIBUTORS GIVING \$200 OR LESS		14	\$331.00
8/25/2015	THE BANK OF MAINE 2 CANAL PLAZA PORTLAND, ME 04101		16	\$10.00
8/31/2015	THE BANK OF MAINE 2 CANAL PLAZA PORTLAND, ME 04101		16	\$0.09
9/30/2015	THE BANK OF MAINE 2 CANAL PLAZA PORTLAND, ME 04101		16	\$0.05
<b>TOTAL CASH CONTRIBUTIONS</b>				<b>\$351.33</b>

**SCHEDULE B-1  
OPERATING EXPENDITURES**

EXPENDITURES 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
7/2/2015	DEMOCRACY ENGINE, LLC 850 QUINCY STREET NW #402 WASHINGTON, DC 20011	RECURRENT SERVICE FEE FOR FUND-RAISING TOOL	OTH	\$41.95
7/2/2015	NATIONBUILDER 448 S, HILL ST. STE 200 LOS ANGELES, CA 90013	RECURRENT FEE FOR WEB HOSTING.	WEB	\$62.00
7/7/2015	DOWN EAST AIDS NETWORK 25A PINE STREET E, ME 04605	DONATION	CON	\$25.00
7/13/2015	U-HAUL 411 MARGINAL WAY PORTLAND, ME 04101	RECURRENT FEE FOR STORAGE SPACE.	OFF	\$49.95
8/2/2015	MOFGA 294 CROSBY BROOK RD. UNITY, ME 04986	TABLE FEE FOR COMMON GROUND FAIR	OTH	\$150.00
8/2/2015	UNITARIAN UNIVERSAILIST CHURCH OF AUGUSTA 69 WINTHROP STREET AUGUSTA, ME 04330	CONVENTION SPACE	OTH	\$100.00
8/3/2015	DEMOCRACY ENGINE, LLC 850 QUINCY STREET NW #402 WASHINGTON, DC 20011	RECURRENT FEE FOR FUNDRAISING TOOL	OTH	\$41.95
8/3/2015	NATIONBUILDER 448 S, HILL ST. STE 200 LOS ANGELES, CA 90013	RECURRENT FEE FOR WEB HOSTING	WEB	\$62.00
8/12/2015	U-HAUL 411 MARGINAL WAY PORTLAND, ME 04101	RECURRENT FEE FOR STORAGE SPACE.	OFF	\$49.95
8/22/2015	MARIA GIROUARD 12 WABANAKI WAY INDIAN ISLAND, ME 04468	KEYNOTE SPEAKER'S FEE	FND	\$150.00
8/22/2015	GREEN PARTY OF THE UNITED STATES PO BOX 75075 WASHINGTON, DC 20013	GREEN PAGES.	LIT	\$38.10

8/22/2015	PATRICIA JACKSON PO BOX 10345 PORTLAND, ME 04104	SUPPLIES FOR THE SUMMER CONVENTION	FND	\$63.42
8/22/2015	DAVID A MARSHALL 41 PINE STREET APT 1 PORTLAND, ME 04102	FRAMED AWARDS PASSED OUT AT CONVENTION	LIT	\$158.25
9/2/2015	DEMOCRACY ENGINE, LLC 850 QUINCY STREET NW #402 WASHINGTON, DC 20011	RECURRENT FEE FOR FUNDRAISING TOOL	OTH	\$41.95
9/2/2015	NATIONBUILDER 448 S, HILL ST. STE 200 LOS ANGELES, CA 90013	RECURRENT FEE FOR WEB HOSTING	WEB	\$62.00
9/14/2015	U-HAUL 411 MARGINAL WAY PORTLAND, ME 04101	RECURRENT FEE FOR STORAGE SPACE	OFF	\$49.95
9/17/2015	THOMAS MACMILLAN 17 MAY ST PORTLAND, ME 04102	CONVENTION SUPPLIES	FND	\$56.42
<b>TOTAL OPERATING EXPENDITURES</b>				\$1,202.89

## **§1017-A. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY PARTY COMMITTEES**

**4-A. Filing schedule.** A state party committee shall file its reports according to the following schedule.

A. Quarterly reports must be filed by 11:59 p.m.:

- (1) On January 15th and must be complete up to December 31st;
- (2) On April 10th and must be complete up to March 31st;
- (3) On July 15th and must be complete up to June 30th; and
- (4) On October 5th and must be complete up to September 30th. [2011, c. 367, §1 (AMD).]

B. General and primary election reports must be filed by 11:59 p.m.:

- (1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2007, c. 443, Pt. A, §17 (AMD).]

C. Preelection and post-election reports for special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m.:

- (1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2011, c. 389, §18 (AMD).]

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [2003, c. 302, §3 (NEW).]

E. A state party committee shall report any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

## 21-A MRS § 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.

 **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).]

**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.

### 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, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

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.

## **5. Maximum penalties.**

[ 2001, c. 470, §8 (AMD); T. 21-A, §1020-A, sub-§5 (RP) .]

**5-A. Maximum penalties.** Penalties assessed under this subchapter may not exceed:

- A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4; [2011, c. 389, §23 (AMD).]
- A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §24 (NEW).]
- 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 financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §25 (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 [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. [2011, c. 558, §4 (AMD).]
- E. [2011, c. 558, §5 (RP).]