

Agenda

Item #5

**Request for Waiver – Kennebunk Democratic
Committee**



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
Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: November 14, 2014

Re: Request for Waiver of Late-Filing Penalties by the Kennebunk
Democratic Committee

During an election year, local party committees must file up to three campaign finance reports if, during that calendar year, they have received contributions or made expenditures totaling \$1,500 or more. (In this memo, the term “local party committee” refers to party committees organized at the municipal or county level.) Most municipal party committees do not reach the \$1,500 threshold and are exempt from the duty to file campaign finance reports. The Kennebunk Democratic Committee (“KDC”) filed two reports late this year. Although our office attempted to send two large-size reminder postcards to the KDC before the deadlines, the contact information for the KDC that we received from the Maine Democratic Party was not correct.

In February of 2014, the KDC’s expenditures exceeded \$1,500. Accordingly, the KDC was required to file two campaign reports earlier this year:

- a semiannual report due July 15, 2014 disclosing all of the KDC’s contributions and expenditures for the first half of 2014, and

- an 11-Day Pre-General Report on October 24, 2014, covering from July 1, 2014 through October 21, 2014.

The KDC did not file either report until November 3, 2014.

LEGAL REQUIREMENTS

Duty to provide Commission with names and addresses of local party officers and treasurers. Local party committees are required by statute to provide the Commission with the names and addresses of their officers and treasurers. If the local committee provides the officer and treasurer information to the *state party*, however, the local committee is not required to provide them to the Commission. The state party committees provide the names and addresses of officers and treasurers to the Commission by the second Monday of April in each election year:

The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

(21-A M.R.S.A. §1013-A(3)) The Commission relies on the information from the state party committees for the reminder notices to the local committees. If the information is not accurate, the officer or treasurer may not receive the Commission's reminder postcards.

Duty to notify local party committees of campaign finance reporting requirements. Each of the three state party committees is responsible for notifying the local party committees of the campaign finance reporting requirements. (21-A M.R.S.A. §1017-A(6)) The Ethics Commission is not required by statute to notify local party committees of the reporting deadlines. Nevertheless, we send large-size postcard reminders to all of the party committees before each filing deadline to increase awareness of filing requirements and avoid late filings.

Filing schedule for local party committees. During the 2014 election year, local party committees must file a semiannual report with the Commission on July 15th, covering the first half of the year, an 11-Day Pre-General on October 24th, covering from July 1 through October 21, and a semiannual report on January 15th, covering from October 22 through December 31. (21-A M.R.S.A. §1017-A(4-B)(A)) A local party committee is exempt from filing reports if it receives or spends less than \$1,500 in one calendar year. (21-A M.R.S.A. §1017-A(7))

Calculation of preliminary penalty. If a local party is late in filing a campaign finance report, the amount of the penalty is set by a formula which takes into consideration the amounts unreported, 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. §1017-A(5)), (21-A M.R.S.A. §1020-A(4)) The statutory maximum penalty for a local party committee's late campaign finance report that is not an independent expenditure report is \$500. (21-A M.R.S.A. §1020-A(5-A)(D))

DISCUSSION

The Excel file that the Ethics Commission received in 2014 from the Maine Democratic Party listed local party committee officers in three different categories: Municipal Chair, Municipal Vice-Chair, and Municipal Secretary/Other. No individual was identified as a treasurer.

The reminder card for the July 15, 2014 filing was sent to Adam Spey, listed as a “Municipal Chair” with a mailing address of 39 Middle Road in Kennebunk. In addition to Adam Spey, approximately a week before the October 24th filing deadline, reminder cards were sent to Diane Denk, Jacqueline Walsh, and Suellen Goodman (four cards were sent). The Commission staff mailed a reminder postcard to Ms. Goodman (who is actually the treasurer of the KDC but was categorized by the state party as a “Municipal Secretary/Other”) at the 17 Water Street address in Kennebunk listed in the Excel file provided to the Commission by the Maine Democratic Party. Unfortunately, as Ms. Goodman later informed Commission staff, she rarely checks the mailbox at 17 Water Street and considers the post office box her primary mailing address. She did not check her mailbox at 17 Water Street and receive the reminder card until after the filing deadline. Upon receiving the reminder card, Ms. Goodman contacted the Commission staff, indicated that based on the KDC’s spending it would need to file the report, explained why she believed she was late in filing, and received login credentials allowing her to file the report.¹

¹ Recognizing that few local committees are required to file reports, those that file reports often do so infrequently and typically do so on paper, Commission staff do not assign reports to local party committees in the electronic filing system unless the local party committee requests the ability to file electronically. If the Commission staff automatically assigned all local party committees all

The Commission staff uses the officer list provided by the state parties to mail reminder postcards before every filing deadline. We send a postcard to every county and municipal party committee in the state because we do not know whether they are exempt from the filing requirements. In July 2014, where the Maine Democratic Party did not specify which people were local party treasurers, Commission staff sent mailed reminders to people listed as chairs of the local party committees in an effort to minimize concern or confusion among those receiving the reminder cards. For the 11-Day Pre-General reminder, in an effort to streamline the process of generating the mailing, staff mailed reminder cards to all people listed by the Maine Democratic Party in the file, using the provided addresses.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount for each of the two late reports is the statutory maximum of \$500, calculated as follows:

Late Report	Date Filed	Financial Activity	Penalty Rate	Days Late	Calculated Penalty	Statutory Maximum Penalty
2014 July Semiannual	11/3/2014	\$1,952.83	1%	111	\$2,167.83	\$500
2014 11-Day Pre-General	11/3/2014	\$4,666.23	3%	10	\$1,399.90	\$500

The KDC asks that the Commission waive the penalties because of what it asserts is an error by the Commission staff, namely that the reminder card was not sent to the correct

reports, many would incorrectly appear late. In this situation, Commission staff manually assigned only the 11-Day Pre-General report, allowing it to cover the entire year, but then assigned and filed on behalf of the KDC the July Semiannual report when a review of the 11-Day Pre-General report showed that the KDC also should have filed that report.

mailing address and as a result the KDC was not reminded in a timely manner that it needed to file.² The KDC also notes that it has a strong record of filing reports on time, and Commission records show that it has filed timely reports for the 2008, 2010, 2011, 2012, and 2013 reporting years.

The July and October 2014 reports contained the following total financial activity:

Report Name	Schedule A – Contributions	Schedule B – Support/Oppose Expenditures	Schedule B-1 – Operating Expenditures
2014 July Semiannual	\$816.43	\$1,500.00	\$452.83
2014 11-Day Pre-General	\$1,569.85	\$0.00	\$4,666.23

STAFF RECOMMENDATION

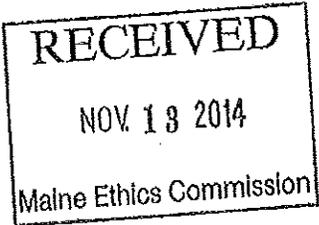
It is the responsibility of the local party committee, with the support of the state party committees, to be aware of and comply with campaign finance reporting laws. While it is understandable that local committees have come to rely on the Commission staff to remind them to meet their obligations, the failure to get a reminder to the KDC in this situation was not a result of an error by the Commission staff, but by the Maine Democratic Party. The Commission staff have attempted to assist local parties by providing reminders of the filing deadlines, but we ultimately depend on the state party committees for the proper addresses for local party committee officers, as these often

² The KDC's waiver request asks only for the Commission to waive the late-filing finding and penalty for the 11-Day Pre-General Report. Commission staff believes the KDC, when drafting its waiver request, may have misunderstood that two reports were overdue. Because of this, and that the issues are the issues surrounding the late filing of both reports are essentially the same, the Commission staff considers the KDC's waiver request to cover both late reports.

change. The most recent list from the Maine Democratic Party (received in 2014) listed the Water Street address for Ms. Goodman.

In addition, the KDC has been filing campaign finance reports with the Commission every year since 2008. Because of its knowledge of campaign finance reporting requirements, one could argue it should be more aware of the filing requirements than most of the other local party committees in Maine.

That said, it does seem reasonable to impose something less than the statutory maximum penalty in a situation lacking significant aggravating factors. The two preliminary penalties totaling \$1,000 exceed the harm to the public. Also, in mitigation, the KDC does have a long history of compliance, and aside from one \$1,500 contribution to the Michaud gubernatorial campaign, the majority of the expenditures were caucus-related or for other operating expenses. None of the belatedly reported expenditures were for independent expenditures. Given these circumstances, the staff recommends that the Commission find the KDC failed to timely-file the 2014 July Semiannual and 11-Day Pre-General report but reduce the total penalty to \$150. Thank you for your consideration of this memo.



Suellen Goodman, Treasurer
Kennebunk Democratic Committee
P.O. Box 115
Kennebunk, ME 04043

November 10, 2014

State of Maine Commission on Governmental Ethics
and Election Practices
135 State House Station
Augusta, ME 04333-0136

To Whom It May Concern:

I write to request that the Maine Commission on Governmental Ethics and Election Practices waive the statutory maximum penalty of \$500.00 for late filing of the 11-Day Pre-General Report due on October 24, 2014. Failure to submit the report on time was the result of an error made by Commission staff; notification for the 11-Day Pre General Campaign Finance report was not sent to the committee's correct address.

I maintain a residence, but not a mailbox, at 17 Water St., Apt. 10. All business for the Kennebunk Democratic Committee, for the last three years, has been associated with my personal post office box, #115 in Kennebunk. Records should indicate that correspondence sent to and received from the Commission during my tenure as Treasurer are associated with this address.

The 11-Day Pre-General Campaign Finance Report notification was not sent to P.O. Box 115, but rather my residence, where I do not maintain a mailbox, at 17 Water St., in Kennebunk. In addition, the notification card failed to identify my apartment number, but rather the address of the Riverside Condominiums in Kennebunk. As a result, I received the notification after the October 24 deadline; a photocopy is attached.

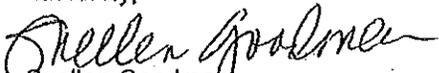
Also enclosed is a copy of the November 4 notification of penalty, which you will note was sent to P.O. Box 115 in Kennebunk – not 17 Water St.

Furthermore, upon late receipt of the notification, I contacted the Ethics Commission staff to inform them of the problem: The card noted that filing online would require a new user code and password; when I requested a new login, I was told that one had already been established with password recovery information (a "hint") that I did not authorize nor would be relevant to personal information to recover the information.

Had notification been sent to the proper address, the 11-day report would have been filed well before the deadline. Our Committee has a strong record of filing required reports on time.

I thank you for your thorough review and consideration. I urge you to contact me at (207) 710-7608 if I can provide clarification or additional information.

Sincerely,


Suellen Goodman

Enclosures

2014 NOV 13 10:00 AM
STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, ME 04333-0136

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 8
AUGUSTA, MAINE

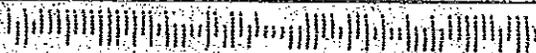
Suellen Goodman
17 Water St
Kennebunk, ME 04043

REMINDER:

- **UPCOMING DEADLINE**
11-DAY PRE-GENERAL
- **BE AWARE OF IE &**
24-HOUR REPORT REQS.

*If you are not the treasurer or the person responsible for filing campaign finance reports for the committee, please contact Benjamin Dyer at the number on the back of this card.

0404337055 0002





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

November 4, 2014

Suellen Goodman, Treasurer
Kennebunk Democratic Committee
PO Box 115
Kennebunk, ME 04043

Re: Late Filing of July Semiannual Report

Dear Ms. Goodman,

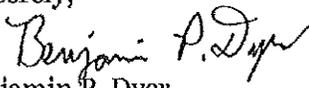
The Commission staff has made a preliminary determination that the Kennebunk Democratic Committee (the Party) was late in filing its July Semiannual Report. The report was due by 11:59 p.m. on July 15, 2014, but was not filed until November 3, 2014. Under the Commission's statutes, the late filing of 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 the statutory maximum penalty of \$500.00 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 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."

Suellen Goodman, Treasurer
Kennebunk Democratic Committee
PO Box 115
Kennebunk, ME 04043

Violation: Late July Semiannual Report
Amount Due: \$500.00

Committee Name: Kennebunk Democratic Committee

Report Title: July Semiannual

Due Date: July 15, 2014

Previous Violation(s): N/A

Filed Date: November 3, 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 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>\$1,952.83</u>
		X	
		Percent Prescribed:	<u>1%</u>
X .01	Percent prescribed for first violation		<u>\$19.53</u>
		X	
\$25.00	One percent of total contributions	Number of days late:	<u>111</u>
X 2	Number of calendar days late		
		Calculated Penalty Accrued:	<u>\$2,167.83</u>
		Statutory Maximum:	<u>\$500.00</u>
\$50.00	Total Penalty		

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-A)(D)

\$500 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports.



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

November 4, 2014

Suellen Goodman, Treasurer
Kennebunk Democratic Committee
PO Box 115
Kennebunk, ME 04043

Re: Late Filing of 11-Day Pre-General Report

Dear Ms. Goodman,

The Commission staff has made a preliminary determination that the Kennebunk Democratic Committee (the Party) was late in filing its 11-Day Pre-General Report. The report was due by 11:59 p.m. on October 24, 2014, but was not filed until November 3, 2014. 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 the statutory maximum penalty of \$500.00 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 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."

Suellen Goodman, Treasurer
Kennebunk Democratic Committee
PO Box 115
Kennebunk, ME 04043

Violation: Late 11-Day Pre-General Report
Amount Due: \$500.00

Committee Name: Kennebunk Democratic Committee

Report Title: 11-Day Pre-General

Due Date: October 24, 2014

Previous Violation(s): July Semiannual Report

Filed Date: November 3, 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 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:	\$4,666.23
		X	
		Percent Prescribed:	3%
X .01	Percent prescribed for first violation		\$139.99
		X	
\$25.00	One percent of total contributions	Number of days late:	10
X 2	Number of calendar days late		
		Calculated Penalty Accrued:	\$1,399.90
		Statutory Maximum:	\$500.00
\$50.00	Total Penalty		

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-A)(D)

\$500 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports.



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

2014 CAMPAIGN FINANCE REPORT

FOR PARTY COMMITTEES

COMMITTEE		TREASURER	
KENNEBUNK DEMOCRATIC COMMITTEE P.O. BOX 115 KENNEBUNK, ME 04043 PHONE: (207) 710-7603 EMAIL: SJS59@MAC.COM		SUELLEN GOODMAN PO BOX 115 KENNEBUNK, ME 04043 PHONE: (207) 710-7603 EMAIL: SJS59@MAC.COM	
REPORT	DUE DATE	REPORTING PERIOD	
JULY SEMIANNUAL	07/15/2014	01/01/2014 - 06/30/2014	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$816.43	\$816.43
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)	\$816.43	\$816.43
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$1,500.00	\$1,500.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$452.83	\$452.83
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$1,952.83	\$1,952.83
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, BEN DYER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: BEN DYER
REPORT FILED ON: 11/03/2014
LAST MODIFIED: 11/03/2014
PRINTED: 11/17/2014
COMMITTEE ID: 4283

**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

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
2/3/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$4.80
2/19/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$23.50
2/26/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$228.00
3/13/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$333.24
6/3/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$226.89
TOTAL CASH CONTRIBUTIONS				\$816.43

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

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
2/5/2014	MICHAEL H MICHAUD 3 BIRCH STREET EAST MILLINOCKET, ME 04430	DONATION TO MICHAUD FOR MAINE PAYMENT OF \$1,500.00 TO SUPPORT: MICHAEL H MICHAUD. JURISDICTION: STATEWIDE. PARTY: DEMOCRATIC. OFFICE: GOVERNOR. ELECTION YEAR: 2014	CON	\$1,500.00
TOTAL EXPENDITURES TO SUPPORT OR OPPOSE:				\$1,500.00

**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
2/5/2014	PATRICK BRIGGS 16 ELIZABETHAN DRIVE KENNEBUNKPORT, ME 04046	COPIES FOR CAUCUS	OFF	\$10.00
2/12/2014	Charlie Horse 1468 Portland Rd Arundel, ME 04046	TSHIRTS	LIT	\$322.83
6/25/2014	DOMAIN REGISTRY OF AMERICA INC 50 ALDEN ROAD MARKHAM, ONTARIO, CANADA, CA L3R8N5	RENEW DOMAIN NAME	OFF	\$120.00
TOTAL OPERATING EXPENDITURES				\$452.83



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

2014 CAMPAIGN FINANCE REPORT

FOR PARTY COMMITTEES

COMMITTEE	TREASURER	
KENNEBUNK DEMOCRATIC COMMITTEE P.O. BOX 115 KENNEBUNK, ME 04043 PHONE: (207) 710-7603 EMAIL: SJS659@MAC.COM	SUELLEN GOODMAN PO BOX 115 KENNEBUNK, ME 04043 PHONE: (207) 710-7603 EMAIL: SJS659@MAC.COM	
REPORT	DUE DATE	REPORTING PERIOD
11-DAY PRE-GENERAL	10/24/2014	01/01/2014 - 10/21/2014

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$1,569.85	\$2,386.28
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)	\$1,569.85	\$2,386.28
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$1,500.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$4,666.23	\$5,119.06
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$4,666.23	\$6,619.06
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, BEN DYER, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: BEN DYER
REPORT FILED ON: 11/03/2014
LAST MODIFIED: 11/03/2014
PRINTED: 11/17/2014
COMMITTEE ID: 4283

**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

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
8/4/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$50.00
9/9/2014	ALICE W FERRAN 6 COMMONS LANE KENNEBUNK, ME 04043	RETIRED DESCRIPTION: Retired DONATION	1	\$200.00
9/10/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$34.00
9/24/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$100.00
10/1/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$168.00
10/14/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$310.00
10/16/2014	York Democratic Town Committee 3 Carwin Drive York, ME 03909		6	\$200.00
10/17/2014	KATE MANAHAN 10 SAYWARD ST KENNEBUNK, ME 04043	SPURWINK DESCRIPTION: Teacher/Education DONATION	1	\$200.00
10/20/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$83.00
10/20/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$18.81
10/20/2014	CONTRIBUTORS GIVING \$200 OR LESS		14	\$206.04
TOTAL CASH CONTRIBUTIONS				\$1,569.85

**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
7/30/2014	PATRICK BRIGGS 16 ELIZABETHAN DRIVE KENNEBUNKPORT, ME 04046	REIMBURSEMENT FOR SUPPLIES	OFF	\$64.00
8/4/2014	SUELLEN GOODMAN 17 WATER STREET P.O. BOX 115 KENNEBUNK, ME 04043	REIMBURSEMENT FOR POSTAGE, ENVELOPES	POS	\$40.00
8/12/2014	KENNEBUNKPORT POLICE DEPARTMENT 101 MAIN STREET KENNEBUNKPORT, ME 04046	MASS GATHERING PERMIT/SECURITY DETAIL (3 HOURS)	OTH	\$173.23
9/9/2014	KENNEBUNK SAVINGS INSURANCE 50 PORTLAND ROAD KENNEBUNK, ME 04043	INSURANCE POLICY, ANNUAL PAYMENT	OTH	\$400.00
9/10/2014	PEOPLES UNITED BANK 1597 POST ROAD P. O. BOX 159 WELLS, ME 04090	CHECKS	OTH	\$24.00
9/11/2014	LLOYD STEPHEN CORPORATION PORTLAND ROAD P. O. BOX 1095 KENNEBUNK, ME 04043	KENNEBUNK KENNEBUNKPORT CAMPAIGN HEADQUARTERS-RENT THROUGH ELECTION DAY	OFF	\$3,850.00
10/1/2014	GENE WHITNEY 32 CANNON HILL ROAD LIMERICK, ME 04048	SIGN FOR KENNEBUNK HEADQUARTERS; FASHION THE SIGN, HANG IT AND REMOVE IT.	OTH	\$115.00
TOTAL OPERATING EXPENDITURES				\$4,666.23

§1013-A. REGISTRATION

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 4, paragraph A shall appoint a treasurer. The candidate may serve as treasurer, except that a participating candidate, as defined in section 1122, subsection 6, or a candidate certified in accordance with section 1125 may not serve as treasurer, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under chapter 14 until the candidate identifies another person to serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A candidate certified in accordance with section 1125 may not serve as deputy treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed. [2011, c. 389, §9 (AMD); 2011, c. 389, §62 (AFF).]

B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after

appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

- (1) The name of the committee;
- (2) The name and address of the committee's treasurer;
- (3) The name of the candidate who authorized the committee; and
- (4) The names and addresses of the committee's officers. [1995, c. 483, §4 (AMD).]

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8. [2007, c. 443, Pt. A, §7 (AMD).]

[2011, c. 389, §9 (AMD); 2011, c. 389, §62 (AFF) .]

2. Authorized political committees.

[1991, c. 839, §34 (AFF); 1991, c. 839, §5 (RP) .]

→ **3. Party committees.** The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

[1995, c. 483, §5 (AMD) .]

4. Reporting by registered treasurers. Any contribution accepted and any expenditure made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

[1991, c. 839, §6 (AMD); 1991, c. 839, §34 (AFF) .]

5. Changes in registration information. Every change in information required by this section to be reported to the commission shall be reported within 10 days of the date of the change.

[1989, c. 504, §§4, 31 (NEW) .]

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

1. Contributions. A party committee shall report all contributions in cash or in kind from a single contributor that in the aggregate total more than \$200. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of \$200 or less must be reported, and these contributions may be reported as a lump sum.

[2009, c. 190, Pt. A, §8 (AMD) .]

2. Expenditures to influence a campaign. A party committee shall report all expenditures made to influence a campaign, as defined in section 1052, subsection 1. The party committee shall report:

A. The name of each candidate, political committee, political action committee or party committee; [2007, c. 443, Pt. A, §17 (AMD).]

B. The office sought by a candidate and the district that the candidate seeks to represent; and [1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF).]

C. The date, amount and purpose of each expenditure. [2007, c. 443, Pt. A, §17 (AMD).]

[2011, c. 389, §16 (AMD) .]

3. Other expenditures. Operational expenses and other expenditures that are not made to influence a campaign, as defined in section 1052, subsection 1 must be reported separately. The party committee shall report:

A. The name and address of each payee; [2009, c. 190, Pt. A, §10 (AMD).]

B. The purpose for the expenditure; and [2007, c. 443, Pt. A, §17 (AMD).]

C. The date and amount of each expenditure. [1993, c. 715, §2 (NEW).]

[2011, c. 389, §17 (AMD) .]

4. Filing schedule.

[2003, c. 302, §2 (RP) .]

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. [2013, c. 334, §12 (AMD).]

[2013, c. 334, §12 (AMD) .]

4-B. Filing schedule for municipal, district and county party committees. Municipal, district and county party committees shall file reports according to the following schedule.

→ A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st. [2009, c. 190, Pt. A, §12 (AMD).]

B. Reports filed during a nonelection year must be filed by 11:59 p.m. on:

(1) July 15th and be complete as of June 30th; and

(2) January 15th and be complete as of December 31st. [2007, c. 443, Pt. A, §17 (AMD).]

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §13 (AMD).]

[2013, c. 334, §13 (AMD) .]

4-C. Electronic filing. State party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

[2007, c. 443, Pt. A, §17 (AMD) .]

5. Penalties. A party committee is subject to the penalties in section 1020-A, subsection 4-A.

[2003, c. 1, §13 (COR) .]

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements.

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

→ **7. Exemption.** Any party committee receiving and expending less than \$1,500 in one calendar year is exempt from the reporting requirements of this section for that year.

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

8. Municipal elections. When a party committee makes contributions or expenditures on behalf of a candidate for municipal office subject to this subchapter, it shall file a copy of the reports required by this section with the clerk in that candidate's municipality.

[2011, c. 389, §19 (AMD); 2011, c. 389, §62 (AFF) .]

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).]

[2011, c. 558, §§4, 5 (AMD) .]

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

[2013, c. 334, §17 (AMD) .]

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §6 (AMD) .]

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

[2007, c. 443, Pt. A, §25 (AMD) .]

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

[2003, c. 628, Pt. A, §6 (NEW) .]

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

[1995, c. 483, §15 (NEW) .]

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §7 (RPR) .]