



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: December 4, 2015

Re: Request for Waiver of Late-Filing Penalty by Working Families PAC

All political action committees are required to file campaign finance reports by deadlines set in statute. Beyond simply filing the report by the deadline, a timely-filed campaign finance report must substantially conform to the disclosure requirements of Maine Election Law. This includes accurately reporting expenditures made during the reporting period.

This waiver request is made by the Working Families PAC (a leadership PAC formed by State Rep. Diane Russell), which did not disclose all of its expenditures in a report due October 6, 2014 (last year). It filed the report on time, but the report was missing 12 expenditures totaling \$1,235.61. As the Principal Officer of the PAC, Rep. Russell subsequently logged into the Commission's e-filing system to add the 15 expenditures to the report, but did not complete the process of re-filing the report. (Apparently, she entered the expenditures 18 days after the deadline on 10/24/2014.) The transactions remained pending in the Commission's e-filing system for roughly one year – and undisclosed to the public – until the PAC re-filed the report on October 20, 2015 (after the PAC found its current treasurer, who has accounting experience). The 15

expenditures are indicated with checkmarks on the amended version of the report that is attached for your reference. Apparently, the PAC did not have an active treasurer during 2015.

LEGAL REQUIREMENTS

PACs are required to file campaign finance reports according to a schedule set by statute. (21-A M.R.S.A. §1059(2)) The 2014 October Quarterly report was due on October 6, 2014. A campaign finance report is not timely filed unless it substantially conforms to the disclosure requirements of Chapter 13, Subchapter 4. (21-A M.R.S.A. §1062-A(2)) If a PAC 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 transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1062-A(3)) PACs may request a full or partial waiver of the penalty. The maximum penalty for a late-filed PAC quarterly report is \$10,000. (21-A M.R.S.A. §1062-A(4))

DISCUSSION

The PAC initially filed its 2014 October Quarterly on the October 6, 2014 due date. The PAC reported \$5,605.00 in contributions and \$4,031.93 in expenditures for the reporting period. At a later date, the PAC added 15 expenditures with a total value of \$1,235.61, an approximately 24% increase in expenditures, which, because of the expenditure date, belonged on the 2014 October Quarterly report.¹ The PAC did not, however, re-file the

¹ The PAC believes Rep. Russell entered these transactions on October 24, 2014. The campaign finance reporting system creates a record when users (other than administrators) log into the system. We have attached a chart of logins by users associated with the PAC. The login records show that Rep. Russell (or

2014 October Quarterly report. As a result, those newly entered transactions remained pending in the campaign finance reporting system - and undisclosed to the public - until the PAC re-filed the report on October 20, 2015.

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

Filing	Due Date	Financial Activity	Penalty Rate	Days Late	Statutory Maximum Penalty
2014 October Quarterly Report	10/6/2014	\$1,235.61	5%	380	\$10,000.00

In its request for a waiver, the PAC accepts responsibility for the late filing of the report but argues that it should receive a significant reduction in the penalty based on the inexperience of the filer, a bona fide effort to file, including a misunderstanding of the report amendment process, and limited public harm due to the nature of the unreported expenditures and the timing of their occurrence. The PAC also notes that it has now obtained a new treasurer with accounting experience and implemented an internal process to better track and report activity.

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

someone with her user name) accessed the account on October 6, 2014, October 24, 2014 and December 16, 2014. There is, however, no way to determine when a transaction was entered into the system.

this case, over \$1,200 in expenditures were not reported as required by statute and remained unfiled for practically a year due to delays by the PAC's principal officer (Rep. Diane Russell) in re-filing the report – even after the Commission staff brought the situation to her attention. The Commission staff recommends a partial waiver because the preliminary penalty of \$10,000 is disproportionately high and because of other mitigating factors: most of the transactions during the period were reported on time and apparently the PAC attempted to add the missing expenditures to the report 18 days after the deadline. For reasons expressed below, we recommend reducing the penalty to \$2,000.

Difficulties in re-filing the report on 10/24/2014. Rep. Russell stresses her difficulty using the Commission's e-filing system. While the Commission staff is actively working with its IT vendor to create a more user-friendly interface, the 2014 e-filing system was used by hundreds of PACs to file thousands of reports. The system (which went into effect in December 2013) has some clumsy features, but it works and the vast majority of PACs have adapted to it.

We have to question the accuracy of the description of Rep. Russell as “essentially a first-time user” at the time that she entered the 15 transactions on 10/24/2014. That was actually the eighth time that the PAC used Rep. Russell's username and password to log into the system during 2014. (Please see attached printout of the PAC's logins during 2014.) Also, Rep. Russell is not unsavvy technologically, in our experience working with her on legislative matters.

Delay by Rep. Russell in re-filing the report. The report could have been re-filed by Rep. Russell throughout most of 2015, had she acted promptly to resolve the issue. We discovered these 15 unfiled transactions in January or February 2015. We brought these unfiled expenditures to Rep. Russell's attention at a face-to-face meeting on February 18, 2015, when she returned unspent MCEA funds that were overdue. In that meeting, we offered to re-file the reports ourselves. She appeared surprised to hear of the unfiled transactions and said that she would look into it herself.

During 2015, Rep. Russell was slow in resolving a number of more serious compliance problems, including

- She was two months late in returning unspent MCEA funds due in December 2014
- She did not file her PAC's report due January 15, 2015 (resulting in the PAC paying a penalty of \$1,575)
- She did not file the PAC's report due July 2015 (resulting in the PAC paying a penalty of \$556.80)

During the first half of 2015, the staff attempted multiple contacts with Rep. Russell by letter, by email and by telephone to resolve these issues – usually with no response by her. Please refer to the attached six emails and letters dated March 11 – September 14, 2015 from us to Rep. Russell in which we reminded her that her PAC had entered contributions and expenditures into the e-filing system which remained unfiled and needed her attention. Finally, after Rep. Russell located a more reliable treasurer, the PAC re-filed the report on October 20, 2015 (approximately one year after the report was due).

Harm to the public. Even if only one of the 15 missing expenditures was for campaign purposes, Rep. Russell is an elected official who operates a leadership PAC. The public and her donors deserve to know how she is spending her PAC's funds, even if the expenses are for food, travel, fundraising, and administrative purposes.

Sophistication of the PAC. While it is laudable that the PAC has now sought help from a treasurer with accounting experience, this PAC is led by an experienced member of the Maine Legislature with proficiency in raising small contributions. Rep. Russell is serving her fourth term as a State Representative and is running for State Senate. The PAC has raised \$40,458.39 in contributions since its registration in May of 2013.² It should have had controls and volunteers or staff in place to prevent these late-filing violations.

Amount of penalty. This year, the Working Families PAC voluntarily paid penalties of \$1,575 and \$556.80 for two reports due January and July 2015. This October 2014 report is the third report that the Commission staff has determined was filed late. We recommend assessing a penalty of \$2,000 because of the factors described above and because late-filing penalties should increase for successive violations.

As context, we would note that in 2014 and 2015, the Commission assessed \$1,500 penalties against two other PACs that filed reports on time that were incomplete (the Maine Truck PAC and the Alford Business and Community Development PAC). We believe a penalty of \$2,000 against the Working Families PAC is consistent with those

² As of the end of September 2015, the PAC reported having a cash balance of \$10,133.

other penalties, and with the increase in penalty amounts for late-filed reports that Maine voters approved on November 3, 2015.

We do not recommend a penalty above \$2,000. The report filed by the PAC on 10/6/2014 did contain many of the required financial transactions and the PAC did make some effort to fix the incompleteness 18 days later on 10/24/2014.

Thank you for your consideration of this memo.



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November 30, 2015

Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

***RE: Working Families PAC – Penalty Waiver Request for the 2014 October
Quarterly Report***

Dear Mr. Wayne:

On behalf of my client, the Working Families PAC (PAC), and pursuant to 21-A M.R.S.A. § 1062-A(5), I write to request a waiver of the preliminary penalties issued by the Commission staff for incomplete/late filing of the 2014 October Quarterly Report (October Report). While the PAC takes full responsibility for errors in the October Report, the mistakes were inadvertent, the ultimate harm to the public was minimal and the undue delay in amending the report was due to system difficulties with the electronic filing system. Finally, the PAC has implemented new accounting procedures and now has a new Treasurer who manages all reporting.

FACTUAL SUMMARY

In 2014, the Commission introduced a new e-filing system designed to make report filing more streamlined and clear. The PAC, using the new filing system, had difficulty filing its 2014 January Quarterly Report and finally sent an email to the Commission staff at 11:20pm on January 14, 2014 alerting them to their inability to file and attaching an excel spreadsheet containing all the required contributions and expenditures.¹ The PAC then continued to file its 2014 reports without incident.

On October 6, 2014, the PAC filed its October Quarterly report – the date on which it was due. Shortly thereafter, on October 24, 2014, Ms. Russell again signed into the e-filing system to enter fifteen (15) expenditure transactions (totaling \$1235.61) which she

¹ That filing was also initially flagged as late by Commission staff but was later found to be in compliance because the excel spreadsheet was sent on time and received by staff.

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inadvertently left off of the October 6th report. She entered the transactions and exiting the system. What she did not realize at the time was that merely entering the contributions would not automatically add them to the October Report as amendments. She finished the entries and understandably assumed the reports were corrected – and only 18 days late (as opposed to the 380 days cited in the determination letter).

In September 2015, Commission Executive Director Jonathan Wayne spoke with Ms. Russell to notify her that Commission staff noticed some “unfiled expenditures” which were entered into the e-filing system but were still considered pending and as such – were not part of any amended report. Rep. Russell reviewed the unfiled expenditures and confirmed that she had entered them and had understood them to be part of an amended October Report. Rep. Russell then worked with Commission staff to properly add the expenditures so that they were reflected in the amended October 2014 Report.

On October 20, 2015, the PAC received a preliminary determination letter for its 2014 October Quarterly Report proposing a preliminary penalty of \$10,000 – for an October Quarterly Report considered 380 days late. It is from these determinations that the PAC now requests a substantial waiver of the fine.

APPLICABLE STATUTORY PROVISIONS

Pursuant to 21-A M.R.S.A. §1062-A(2), reports which do not “substantially conform to the disclosure requirements” are subject to fines. Those penalties may be waived under three (3) circumstances:

1. if the penalty is disproportionate to the level of experience of the person filing the report;
2. if the penalty is disproportionate to the harm suffered by the public from the late disclosure;
3. if mitigating circumstances exist such as a bona fide effort to file the report on time.

REPORT ERRORS – 2014 OCTOBER QUARTERLY

There is no debate that the PAC initially reported \$4031.93 in expenditures but later amended its report to show a total of \$5,267.54. Upon discovering that error, 18 days later, the PAC attempted to amend the report but unfamiliarity with the new e-filing system and a lack of clear directions in the system about what steps to take to file amended reports led to those expenditures simply sitting in the system as “unfiled expenditures.” That system confusion now results in the report being considered 380 days late (as opposed to 18 days late).

1. *Inadvertent Omission of the Contributions*

As stated previously, it is undeniable that \$1,235.61 in individual expenditures were inadvertently left off of the 2014 October report. Upon discovering the mistakes, the PAC immediately attempted to correct the report and add the missing expenditures.

In 2014, Ms. Russell was compiling and filing her own PAC reports as essentially a first time filer under the new system. She had not yet implemented the checks and balances which are now in place for the PAC and as a result, these expenditures were reported late. Recognizing her inexperience, Ms. Russell has obtained a new Treasurer who has an accounting background and has implemented a new system to carefully track and report all PAC activity.

Additionally, the late reporting of the expenditures resulted in minimal harm to the public. Only one of the expenditures was made directly to a campaign (Michaud for Maine) and the others constituted reimbursements or payments for services which were not related to direct voter influence. There were no expenditures related to voter engagement, voter mail, polling, independent expenditures or any other service to influence voters. All the expenditures were made in the summer of 2014 – an off year time of year in an off year election cycle. These factors combine to significantly minimize the harm to the public.

Finally, all contributions to the PAC were properly reported. The public was always aware of who was supporting the Working Families PAC and in what amounts.

There is no question that the twelve (12) expenditures were filed late. However, the inexperience of Ms. Russell as a filer and the minimal harm to the public justify a significant and substantial reduction in the proposed fine.

2. *Failure to Properly Amend the Report*

As previously stated, which Ms. Russell noted the omitted expenditures; she entered the e-filing system and began entering the missing data. She was not aware, however, that the new e-filing system did not automatically amend a prior report event when new contributions were entered. Apparently, the system requires additional steps be taken by the filer but the system fails to alert filers that they need to proceed with several more steps before an amendment will be effective. As far as Ms. Russell could ascertain, she had correctly amended the report. The system gave her no indication to the contrary.

In discussions with Commission staff, this appears not to be a misunderstanding solely made by the PAC, but by others who have given feedback that the system is confusing and doesn't give clear direction that further steps need to be taken to amend contribution

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and expenditure reports. As a result of that feedback, it is our understanding that Commission staff are now looking at ways to correct that systemic flaw so that future filers will not fall into the same trap.

The bottom line is that the PAC made a bona fide good faith effort to file the omitted the expenditures. They entered the system and submitted all the required information as soon as they noted the omission. At that moment – it was reasonable for her to believe that the reports had been properly amended. As a result, it is only fair for the Commission to consider the reports properly amended on October 24, 2014 –only 18 days late.

While the PAC takes full responsibility for the violation, it also strongly believes that a fine of \$10,000 is vastly disproportionate to the mistake made especially when taking into consideration the inexperience of the filer and the minimal damage to the public.

Again, the expenditures occurred in an off year in a traditionally slow time of year for campaign activity. They were unrelated to any direct voter contact or campaign influence. The filer was unexperienced and trying to understand and manage a new e-filing system. That new system, while a significant improvement to users generally, contained a systemic flaw which made it very difficult for even experienced users to figure out how to amend reports. Finally, the PAC discovered the mistakes on their own and took immediate steps to make corrections.

This matter is similar to another matter which came before this Commission in July of 2014. In that case, the ABCD PAC misreported \$6,500 in contributions and \$24,000 in expenditures – for a preliminary penalty determination of \$31,764.42. After weighing both the aggravating and mitigating factors, the Commission reduced the proposed penalty to \$1,500. Many of the considerations important to the Commission in that matter are also present here. Both PACs self-reported their mistakes, occurred in an off election year and made significant changes to their accounting procedures to mitigate future violations.

While a mistake was made, a fine of \$10,000 is vastly disproportionate to the omissions. The harm suffered to the public in this case is in no way commensurate with such a large fine. As such, the PAC requests that this Commission very significantly reduce the preliminary penalty to mirror the relative severity of the violations.
Sincerely,

Katherine R. Knox

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2014 CAMPAIGN FINANCE REPORT

FOR POLITICAL ACTION COMMITTEES

COMMITTEE		TREASURER	
WORKING FAMILIES PAC 128R NORTH ST PORTLAND, ME 04101 PHONE: (207) 272-9182 EMAIL: DIANERUSSELL207@GMAIL.COM		EIRANNE HART CHRISTY 468 WEBBS MILL RD RAYMOND, ME 04071 PHONE: (207) 478-1268 EMAIL: EIRANNE.HART@YAHOO.COM	
REPORT	DUE DATE	REPORTING PERIOD	
OCTOBER QUARTERLY	10/06/2014	07/16/2014 - 09/30/2014	

FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR PERIOD	TOTAL FOR YEAR
1. CASH CONTRIBUTIONS (SCHEDULE A)	\$5,605.00	\$9,545.00
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)	\$5,605.00	\$9,545.00
EXPENDITURES		
5. EXPENDITURES TO SUPPORT OR OPPOSE (SCHEDULE B)	\$0.00	\$0.00
6. OPERATING EXPENDITURES (SCHEDULE B-1)	\$5,267.54	\$10,056.18
7. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
8. TOTAL PAYMENTS (LINE 5 + 6 + 7)	\$5,267.54	\$10,056.18
CASH SUMMARY		
9. CASH BALANCE AT BEGINNING OF PERIOD	\$8,647.69	
10. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$5,605.00	
11. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 8)	\$5,267.54	
12. CASH BALANCE AT END OF PERIOD	\$8,985.15	
OTHER ACTIVITY		
13. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
14. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
15. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$5,500.00	

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

REPORT FILED BY: EIRANNE HART CHRISTY
 REPORT FILED ON: 10/06/2014
 LAST MODIFIED: 10/20/2015
 PRINTED: 12/04/2015
 COMMITTEE ID: 6537

**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
7/16/2014	ACT BLUE 366 SUMMER STREET SOMERVILLE, MA 02144	THIS WAS A PAYMENT OF A HOST COMMITTEE SELECTION FOR SHENNA BELLOWS FOR US SENATE. I COULDN'T GET THE FORM TO WORK CORRECTLY SO I HAD TO FILE IT THIS	FND	\$100.00
7/16/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$4.21
7/16/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.67
7/16/2014	JOE'S SUPER VARIETY 665 CONGRESS ST PORTLAND, ME 04101	FOOD.	FOD	\$8.31
7/16/2014	NOSH KITCHEN CONGRESS STREET PORTLAND, ME 04101	MEETING.	FOD	\$22.14
7/16/2014	RITE AID 290 CONGRESS ST PORTLAND, ME 04101	OFFICE SUPPLIES	OFF	\$38.78
* 7/17/2014	ROSEMONT MARKET CONGRESS STREET PORTLAND, ME 04101	FOOD.	FOD	\$41.18
* 7/18/2014	THE CITY OF PORTLAND CONGRESS STREET CITY HALL PORTLAND, ME 04101	PARKING METER.	TRV	\$2.00
7/21/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$4.21
7/21/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING	CNS	\$100.00
* 7/21/2014	THE GOOD TABLE MAIN STREET CAPE ELIZABETH, ME 04107	FOOD	FOD	\$13.70
7/23/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$3.94

	7/25/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.94
	7/25/2014	MJ'S WINE BAR ONE CITY CENTER PORTLAND, ME 04101	FOOD FOR FUNDRAISER.	FOD	\$257.36
*	7/26/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$300.00
	7/27/2014	MICROSOFT ONE MICROSOFT WAY REDMOND, ME 98052	SUBSCRIPTION FEE FOR MICROSOFT OFFICE.	OFF	\$7.37
	7/27/2014	Staples 244B Us Route 1 Falmouth, ME 04105	OFFICE SUPPLIES	OFF	\$52.49
*	7/28/2014	7-11 Congress Street Portland, ME 04102	GAS.	TRV	\$50.02
*	7/28/2014	FedEx/Kinkos Monument Square Portland, ME 04101	FUNDRAISER SIGNAGE.	OFF	\$107.61
	7/28/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$1.89
*	7/28/2014	The Corner Room Exchange Street Portland, ME 04101	FOOD.	FOD	\$109.70
*	7/29/2014	Staples 244B Us Route 1 Falmouth, ME 04105	OFFICE SUPPLIES	OFF	\$14.75
*	7/30/2014	JAMES DORITY KELLOGG STREET PORTLAND, ME 04101	PIANO PLAYER FOR FUNDRAISER.	PRO	\$100.00
	7/31/2014	Five County Credit Union PO Box 598 Bath, ME 04530	BANK FEE.	PRO	\$5.00
	7/31/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$400.00
	8/1/2014	Five County Credit Union PO Box 598 Bath, ME 04530	BANK FEE.	PRO	\$2.00
	8/1/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.18
*	8/1/2014	INFINITY FERMENTARY COMMERCIAL STREET PORTLAND, ME 04101	FOOD.	FOD	\$121.52
	8/1/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$800.00
	8/4/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$10.96
	8/7/2014	ACTIONNETWORK.ORG NOT AVAILABLE NOT AVAILABLE, ME 00000	WEB SERVICES.	OFF	\$1.00
*	8/7/2014	MICHAEL H MICHAUD 3 BIRCH STREET EAST MILLINOCKET, ME 04430	CONTRIBUTION.	CON	\$250.00

*	8/7/2014	POM'S THAI TASTE CONGRESS STREET PORTLAND, ME 04101	FOOD.	FOD	\$30.80
*	8/7/2014	USPS FOREST AVENUE PORTLAND, ME 04101	STAMPS	POS	\$49.00
*	8/8/2014	7-11 Washington Avenue Portland, ME 04101	GAS	TRV	\$35.34
	8/8/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$4.32
	8/8/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$200.00
	8/10/2014	FALMOUTH IRVING 264 US ROUTE 1 FALMOUTH, ME 04105	GAS	TRV	\$45.61
*	8/10/2014	Katie Made Bakery 181 Congress Street Portland, ME 04101	FOOD	FOD	\$9.99
	8/10/2014	SHEPHERDS PIE 18 CENTRAL ST ROCKPORT, ME 04856	DINNER.	FOD	\$53.00
	8/11/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.29
	8/11/2014	THE WATERFRONT RESTAURANT 40 BAY VIEW ST CAMDEN, ME 04843	LUNCH.	FOD	\$27.00
	8/12/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$100.00
	8/13/2014	LONGFELLOW BOOKS MONUMENT SQUARE PORTLAND, ME 04101	BOOKS.	OTH	\$13.66
	8/18/2014	FALMOUTH IRVING 264 US ROUTE 1 FALMOUTH, ME 04105	GAS	TRV	\$43.95
	8/18/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.29
	8/19/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$4.21
	8/22/2014	Coffee By Design India Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.64
	8/22/2014	Hilltop Coffee Shop Congress Street Portland, ME 04101	COFFEE MEETING.	FOD	\$5.94
	8/22/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$200.00
	8/24/2014	FALMOUTH IRVING 264 US ROUTE 1 FALMOUTH, ME 04105	GAS	TRV	\$44.31
	8/27/2014	MICROSOFT ONE MICROSOFT WAY REDMOND, ME 98052	SUBSCRIPTION FEE FOR MICROSOFT OFFICE.	OFF	\$7.37

8/30/2014	CIRCLE K GRAY ROAD WEST FALMOUTH, ME 04105	GAS.	TRV	\$37.01
9/2/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$300.00
9/5/2014	BIG APPLE UNKNOWN SOUTH PORTLAND, ME 04106	GAS.	TRV	\$46.84
9/8/2014	ACTIONNETWORK.ORG NOT AVAILABLE NOT AVAILABLE, ME 00000	WEB SERVICES.	OFF	\$1.00
9/11/2014	Coffee By Design India Street Portland, ME 04101	COFFEE MEETING.	FOD	\$9.34
9/11/2014	Virgin Mobile 11950 SW GARDEN PLAUS Portland, OR 97223	PHONE	EQP	\$61.12
9/15/2014	NEW YORK TIMES 620 EIGHTH AVENUE NEW YORK CITY, NY 10018	NYT SUBSCRIPTION.	PRO	\$17.20
9/17/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING	CNS	\$400.00
9/18/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING.	CNS	\$200.00
9/21/2014	JETPORT GAS & CONVENIENCE STORE 446 WESTERN AVE SOUTH PORTLAND, ME 04106	GAS	TRV	\$45.01
9/21/2014	Diane Marie Russell 184 Congress Street Portland, ME 04101	ONLINE ORGANIZING	CNS	\$300.00
9/27/2014	MICROSOFT ONE MICROSOFT WAY REDMOND, ME 98052	SUBSCRIPTION FEE FOR MICROSOFT OFFICE.	OFF	\$7.37
9/30/2014	Five County Credit Union PO Box 598 Bath, ME 04530	BANK FEE.	PRO	\$5.00
TOTAL OPERATING EXPENDITURES				\$5,267.54

Working Families Logins

User Login	12/16/2014 10:36:27 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	12/16/2014 10:36:27 PM
User Login	10/24/2014 9:37:25 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	10/24/2014 9:37:25 PM
User Login	10/6/2014 9:43:15 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	10/6/2014 9:43:15 PM
User Login	9/29/2014 10:51:19 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	9/29/2014 10:51:19 PM
User Login	7/22/2014 8:11:05 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	7/22/2014 8:11:05 PM
Committee Information Changed	6/18/2014 9:21:26 AM	New Treasurer added: ALAN LINDQUIST	DYER, BEN	6/18/2014 9:21:26 AM
Committee Information Changed	6/18/2014 9:21:26 AM	Treasurer Sayer Smith- Graham removed from committee.	DYER, BEN	6/18/2014 9:21:26 AM
User Login	5/30/2014 7:32:12 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	5/30/2014 7:32:12 PM
User Login	4/10/2014 8:43:45 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	4/10/2014 8:43:45 PM
User Login	4/10/2014 5:02:46 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	4/10/2014 5:02:46 PM
User Login	3/3/2014 12:47:56 PM	USER D_RUSSELL6537 LOGGED IN.	RUSSELL, DIANE	3/3/2014 12:47:56 PM



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

**Reminders to Rep. Russell
of unfiled expenditures**

March 11, 2015

Rep. Diane Russell, Principal Officer
Working Families PAC
128R North Maine St
Portland, ME 04101

Notice of Hearing Regarding Unfiled 2015 January Quarterly Report

Dear Rep. Russell:

The purpose of this letter is to provide you and the Working Families PAC with notice that the Commission staff will be recommending at the next Ethics Commission meeting on April 29, 2015 that, pursuant to Title 21-A, Section 1062-A(8-A), the Commission impose a fine of up to \$1,500 for the PAC's failure to file the 2015 January Quarterly report. This report was due on January 15, 2015 by 11:59 p.m. but to date has not been filed.

Commission staff have contacted you and your treasurer several times regarding this matter, including email exchanges between you and I last month. As you will recall, we met at the Commission's office to discuss the late filing and our concerns regarding unfiled transactions and previously-filed non-compliant reports. At that meeting, you indicated you would be filing the PAC report shortly, but neither you nor your treasurer have logged into the Working Families PAC account since December 16, 2014. ★

Should the Working Families PAC file its 2015 January Quarterly Report before the Commission's April 29th meeting, the Commission staff will instead recommend an appropriate penalty for the late filing of that report based its consideration of the factors in Title 21-A, Section 1062-A(2) and (3). In addition, the Commission staff will also review the PAC's previously-filed reports to determine if they were substantially compliant with the statutory reporting requirements when filed and make appropriate recommendations to the Commission based on that review.

Again, to mitigate the penalties, please file the overdue 2015 January Quarterly Report and ensure the previously-filed reports are accurate as soon as possible. If you have questions, please contact me at (207) 287-4179.

Sincerely,

Jonathan Wayne
Executive Director

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

PHONE: (207) 287-4179

FAX: (207) 287-6775



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

July 16, 2015

Rep. Diane Russell, Principal Officer
Working Families PAC
128R North St.
Portland, ME 04101

Re: Delinquent Campaign Finance Report for the Working Families PAC – Due July 15, 2015

Rep. Russell:

Our records show that you have not filed your July Quarterly Campaign Finance Report. State law [21-A M.R.S.A. § 1062-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.

In addition, your account has a large number of unfiled transactions which appear, ★ based on the dates, to belong on previously-filed reports. Please amend the appropriate reports to include these transactions or contact me if you need assistance doing so.

Sincerely,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar

cc: Alan Lindquist, Treasurer

Wayne, Jonathan

From: Wayne, Jonathan
Sent: Friday, July 17, 2015 9:10 AM
To: 'Diane Russell'
Cc: 'mlsswrite76@gmail.com'; Dyer, Benjamin P; Gardiner, Phyllis; Lavin, Paul
Subject: Unpaid PAC Penalty and Other Issues
Attachments: FINAL Working Families PAC Late 2015 January Quarterly Penalty Payment Referral Notice 05-28-2015.pdf

Rep. Russell,

This is to let you know that we are about to refer unpaid penalties to the Attorney General's Office for collection. If you would like to avert this referral, please pay the penalty of \$1,575 right away. This relates to the late filing of your January 2015 report.

Also, please contact Ben Dyer in our office concerning:

- Your report that is now overdue by two days, and
- ★ • The contributions and expenditures that have been saved in our e-filing system but never filed (these are dated 2013 and 2014).

Jonathan Wayne
Executive Director
Maine Ethics Commission
135 SHS
Augusta, ME 04333
287-4179

From: Dyer, Benjamin P
Sent: Friday, May 29, 2015 8:25 AM
To: dianerussell207@gmail.com
Cc: Wayne, Jonathan
Subject: Final Notice of Unpaid PAC Penalty

Representative Russell,

Please find attached our office's final notice regarding the unpaid penalty owed by the Working Families PAC.

Regards,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar
Maine Ethics Commission

Mailing: 135 State House Station

Dyer, Benjamin P

From: Dyer, Benjamin P
Sent: Friday, July 17, 2015 9:24 AM
To: 'dianerussell207@gmail.com'
Cc: 'misswrite76@gmail.com'; Wayne, Jonathan; Lavin, Paul
Subject: Unfiled 2015 July Quarterly Report and Unfiled Transactions

Rep. Russell,

I am writing to follow-up on the Working Families PAC's unfiled 2015 July Quarterly. You should receive in the mail today a notice that the report was due on July 15, 2015 and has not yet been filed.

★ In addition, as I was reviewing your account, I noticed 21 pending contributions dating to 2013 and 15 pending expenditures dating to 2014. Please review these transactions and, as necessary, amend the appropriate reports to ensure these transactions are disclosed and accounted for.

I also noticed that the PAC was showing a negative cash balance beginning with the 2014 April Quarterly report through to the 2015 January Quarterly report. Please review your records and make the necessary corrections to your reports to bring your filing into balance. If you have questions or need help resolving any of the above issues, please contact me.

Regards,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar
Maine Ethics Commission

Mailing: 135 State House Station
Augusta, Maine 04333
T: (207) 287-6221
benjamin.p.dyer@maine.gov

Dyer, Benjamin P

From: Wayne, Jonathan
Sent: Wednesday, August 05, 2015 10:08 AM
To: 'Diane Russell'
Cc: 'misswrite76@gmail.com'; Dyer, Benjamin P
Subject: PAC Reports for Working Families PAC

Rep. Russell,

You did not response to Ben Dyer's email of July 17, 2015. Please file the report due 7/15/2015 to minimize any resulting civil penalties.

★ Also, please address the 36 transactions that were saved in our efilng system dating to 2014 that have not been filed.

If you have questions, contact Benjamin Dyer.

Jonathan Wayne
Maine Ethics Commission

From: Dyer, Benjamin P
Sent: Friday, July 17, 2015 9:24 AM
To: 'dianerussell207@gmail.com'
Cc: 'misswrite76@gmail.com'; Wayne, Jonathan; Lavin, Paul
Subject: Unfiled 2015 July Quarterly Report and Unfiled Transactions

Rep. Russell,

I am writing to follow-up on the Working Families PAC's unfiled 2015 July Quarterly. You should receive in the mail today a notice that the report was due on July 15, 2015 and has not yet been filed.

In addition, as I was reviewing your account, I noticed 21 pending contributions dating to 2013 and 15 pending expenditures dating to 2014. Please review these transactions and, as necessary, amend the appropriate reports to ensure these transactions are disclosed and accounted for.

I also noticed that the PAC was showing a negative cash balance beginning with the 2014 April Quarterly report through to the 2015 January Quarterly report. Please review your records and make the necessary corrections to your reports to bring your filing into balance. If you have questions or need help resolving any of the above issues, please contact me.

Regards,

Benjamin P. Dyer
Political Committee and Lobbyist Registrar
Maine Ethics Commission

Mailing: 135 State House Station
Augusta, Maine 04333
T: (207) 287-6221
benjamin.p.dyer@maine.gov



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

September 14, 2015

Rep. Diane Russell, Principal Officer
Working Families PAC
128R North St
Portland, ME 04101

Re: Late Filing of 2015 July Quarterly Campaign Finance Report

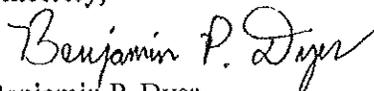
Dear Rep. Russell:

The Commission staff has made a preliminary determination that the Working Families PAC (the PAC) was late in filing its 2015 July Quarterly Report. The report was due by 11:59 p.m. on July 15, 2015 but was not filed until September 13, 2015. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that a penalty of \$556.80 is owed. (Please see attached penalty matrix for the calculation).

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

★ In addition, I would again bring your attention to the large number of pending, unfiled transactions from 2013 and 2014 entered into our electronic filing system. If these transactions were entered in error, please remove them. If the transactions were correctly entered, please amend your previously filed reports so that those reports are accurate. Please call me at (207) 287-4179 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,


Benjamin P. Dyer
Political Committee and Lobbyist Registrar

cc: Alan Lindquist, PAC Treasurer



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

October 20, 2015

Eiranne Christy, Treasurer
Working Families PAC
46 Webbs Mill Rd
Raymond, ME 04071

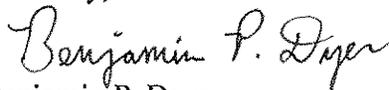
Re: Late Filing of 2014 October Quarterly Campaign Finance Report

Dear Ms. Christy:

The Commission staff has made a preliminary determination that the Working Families PAC (the PAC) was late in filing its 2014 October Quarterly campaign finance report. The Commission staff considers the report late as a result of substantial non-conformity with disclosure requirements. The PAC initially reported \$4,031.93 in expenditures, but later amended its report to show \$5,267.54 in expenditures. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1062-A(3)). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the PAC's history of violations, the commission staff has determined that the statutory-maximum penalty of \$10,000 is owed. (Please see attached penalty matrix for the calculation).

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the PAC made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Sincerely,


Benjamin P. Dyer
Political Committee and Lobbyist Registrar

cc: Rep. Diane Russell, Principal Officer

Payment Receipt

Mail payment to:

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

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

Eiranne Christy, Treasurer
Working Families PAC
46 Webbs Mill Rd
Raymond, ME 04071

Violation: Late 2014 October Quarterly Report
Amount Due: \$10,000.00

Committee Name: Working Families PAC
 2015 January Quarterly
 2015 July Quarterly
Previous Violation(s): 2014 January Quarterly

Report Title: 2014 October Quarterly
Due Date: October 6, 2014
Filed Date: October 20, 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.

Penalty Example:		Your Penalty is calculated as follows:	
The treasurer files the PAC's report two (2) days late. The PAC has not had any previous late violations this biennium. The PAC reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures Reported Late:	\$1,235.61
X .01	Percent prescribed for first violation	Percent Prescribed:	5%
\$25.00	One percent of total contributions		\$61.78
X 2	Number of calendar days late	Number of days late:	380
\$50.00	Total Penalty	Statutory-maximum penalty:	\$10,000

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

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

MAXIMUM PENALTIES
 21-A M.R.S.A. Section 1062-A(3)
 \$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is one-fifth of the amount reported late.

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

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

1. Contents; quarterly reports and election year reports.

[2007, c. 443, Pt. A, §35 (RP) .]

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

A. All committees shall file quarterly reports:

- (1) On January 15th, and the report must be complete as of December 31st;
- (2) On April 10th, and the report must be complete as of March 31st;
- (3) On July 15th, and the report must be complete as of June 30th; and
- (4) On October 5th, and the report must be complete as of September 30th.

B. General and primary election reports must be filed:

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

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

- (1) On the 11th day before the date on which the election is held and must be complete as of the 14th day before that date; and
- (2) On the 42nd day after the date on which the election is held and must be complete as of the 35th day after that date.

D. A committee that files an election report under paragraph B or C is not required to file a quarterly report when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C.

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

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

[1989, c. 504, §§28, 31 (RP) .]

4. Special election reports.

[1989, c. 504, §§28, 31 (RP) .]

5. Electronic filing. 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 committee submits a written request that states that the committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted within 30 days of the registration of the committee. The commission shall grant all reasonable requests for exceptions.

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

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

[2013, c. 334, §30 (AMD) .]



2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:



A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (AMD).]

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

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2007, c. 443, Pt. A, §38 (AMD).]

[2009, c. 190, Pt. A, §29 (AMD) .]

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [1995, c. 483, §21 (NEW).]

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

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

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar 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 required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[2007, c. 443, Pt. A, §39 (AMD) .]

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, 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, §49 (AMD) .]

5. Request for a commission determination. If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer'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, §31 (AMD) .]

6. Final notice of penalty. After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the political action 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 principal officer and to the treasurer of the political action committee. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §9 (AMD) .]

7. List of late-filing committees. The commission shall prepare a list of the names of political action committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

[2007, c. 443, Pt. A, §41 (AMD) .]

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime, except that, if a penalty pursuant to subsection 8-A is assessed and collected by the commission, the State may not prosecute a violation under this subsection.

[2003, c. 628, Pt. A, §8 (AMD) .]

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000.

[2009, c. 190, Pt. A, §31 (AMD) .]

9. 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, §10 (RPR) .]