



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

To: Commissioners
From: Lorrie Brann, Candidate Registrar
Date: January 15, 2025
Re: Request by Representative Walter Runte for Waiver of Late-Filing Penalty for 24-Hour Report

Representative Walter Runte was running for reelection to House District 146 as a Maine Clean Election Act candidate in the 2024 general election. Candidates who make any single transaction of \$1,000 or more in the last 13 days before an election must disclose it within one day by filing a “24-Hour Report.” On December 10, after reviewing Rep. Runte’s 42-Day Post-General Report, Candidate Registrar Lorrie Brann sent an email to the campaign about a \$1,356.97 Print Bangor expenditure for a final mailing with a reported date of November 5. The campaign responded that the approval date for the expenditure was October 24; Rep. Runte paid Print Bangor on November 5. Ms. Brann informed the campaign the expenditure would have to be amended to correct the date because it should have been reported as an unpaid debt in a 24-Hour Report. The campaign corrected the date of the expenditure, which triggered a 24-Hour Report which should have been filed by October 25 but was not filed until December 11 - 47 days late. The preliminary penalty for the late report is \$1,275.55 and the candidate seeks a waiver of the penalty.

LEGAL REQUIREMENTS

Candidates must file 24-Hour Reports with the Commission during the 13 days prior to an election if they receive a contribution or loan or make an expenditure or incur a debt of \$1,000 or more. 21-A M.R.S. § 1017(3-A)(C). The statutory definition of expenditure includes a “contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure.” 21-A M.R.S. § 1012(3)(A)(2). Under the Commission’s rules, placing an order for a service or accepting delivery of a service is an expenditure that must be reported as an unpaid debt if the service has not been paid for. 94-270 C.M.R. ch. 1, § 7(3).

If the candidate is late filing a 24-Hour Report, the Commission staff calculates a preliminary penalty which is determined by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. 21-A M.R.S. § 1020-A(4-A). The Commission may waive the preliminary penalty in whole or in part under 21-A M.R.S. § 1020-A(2).

DISCUSSION

On October 22, the day before the start of the 13-day period for filing 24-Hour Reports, Candidate Registrar Lorrie Brann sent an email titled “Guidance on 24-Hour Reporting Period and Reporting Debts & Obligations” to all candidates in the general election advising them of the 24-hour reporting requirements. The email opened with guidelines for what types of transactions would trigger reporting and instructions on how to file it.

According to his waiver request, Rep. Runte was not aware he had to file 24-Hour Report until he was contacted about an expenditure reported in the 42-Day Post-General Report.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$1,275.55 is calculated as follows:

| Report | Deadline | Financial Activity | Penalty Rate | Days Late | Preliminary Penalty |
|----------------|-----------------|---------------------------|---------------------|------------------|----------------------------|
| 24-Hour Report | 10/25/24 | \$1,356.97 | 2% | 47 | \$1,275.55 |

In his December 12 request for waiver Rep. Runte states he followed the same procedures for this campaign that he had followed in his 2022 campaign and did not experience any problems. He asks the Commission to waive his preliminary penalty, due to not understanding the definition of an expenditure and not being fully aware of the rules.

STAFF RECOMMENDATION

The Commission staff do their utmost to provide candidates with clearly worded guidance and reminders to help them avoid common campaign finance reporting pitfalls, such as late-filed reports. The October 22 email about 24-hour reporting was meant to serve as a reminder of information already available to candidates in the 2024 Candidate Guidebook and the 2024 filing

schedule. There is also a red warning banner on the candidate's home page in their campaign finance account for the entire 24-Hour reporting period.

Rep. Runte says his failure to understand the definition of an expenditure is the root cause for his failure to meet the requirement to file a 24-Hour Report. However, the guidance in the 2024 Candidate Guidebook, the October 22 email and the language on the reminder card for the 11-Day Pre-General Report should have made him aware of how to correctly report expenditures – particularly during the 24-Hour reporting period.

During 2018-2024, the Commission has waived late-filing penalties against candidates downward to a range of \$300 - \$350 with some further reductions for good cause, for example:

- from \$2,991.36 to \$300 – late 24-Hour Report by Danny Costain (8/29/18)
- from \$423.54 to \$300 – late 24-Hour Report by Stephen Hanrahan (11/30/22)
- from \$1,573.52 to \$350 - late 24-Hour Report by Ronald Russell (01/30/23)
- from \$1,945.30 to \$350 - late 24-Hour Report by Reagan Paul (01/30/23)
- from \$3,680.00 to \$350 - late 24-Hour Report by Neil MacLean, Jr. (01/30/23)

A summary of candidate penalty decisions by the Commission since 2018 is attached.

As context, Commission staff are aware that a significant number of candidates, PACs, and party committees are unaware that if they have been billed for or received services that they have not paid for by the end of a reporting period, they must report that purchase as an unpaid debt; many filers report purchases only when they pay for them. Commission staff continue to make every educational effort we can think of to let all our candidates and committees know of the requirement to disclose unpaid debts and obligations, but mistakes continue to occur. The recommended penalty of \$300 in this case is part of the Commission staff's ongoing educational effort.



Walter Gerard Runte Jr.

45 Fall Mill Road

York, ME 03909

Phone: (207) 361-7143

Gerry.Runte@legislature.maine.gov

HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

December 12, 2024

Maine Campaign Ethics Commission

ATTN: Lorrie Brann

RE: Notice of Violation and Penalty for Late-Filed 24-Hour Report, dtd 12/11/2024

Dear Ms. Brann:

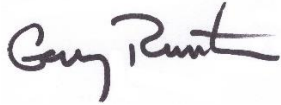
I am grateful for the opportunity to appeal the finding of violation regarding the late filing of my 24-Hour Report. My appeal is based on the following circumstances.

1. I learned yesterday that expenditures are to be entered into the reporting system on the day they are obligated, not the day they are paid. All of my reporting for the campaign conducted in 2022 for the 131st Legislature and all expenditures in this year's campaign were filed on the date I sent a check or used a debit card. My failure to appreciate how "expenditure" is defined is the root cause of the violation.
2. Ms. Brann informed me that my second-to-last expenditure for the year, which I had paid and entered as paid on November 5, should have been entered on October 24 when I committed to the postcard draft and printing. After learning this, I entered the reporting system and amended the date.
3. Once the expenditure date was amended, the system informed me that I needed to refile the 42-day Report, which I did.
4. Upon refiling the 42-day Report, the system informed me that I needed to file my 24-hour Report. As instructed, I filed the 24-hour Report, and since this discrepancy was not discovered until 42 days after the proper date of entry, the 24-Hour Report was late. Had the November 5 entry been appropriate, as I mistakenly assumed, there would have been no need to file that report, and there would be no violation.

I deeply regret my oversight in not being fully aware of the rules. I simply followed the same procedure I used in my previous campaign, believing everything was appropriate and in compliance.

I, therefore, request this fine be waived—a fine equal to 16% of all expenditures—because I suspect there was no harm to the public (all expenditures were fully reported and well before the account was closed), and I wrongly interpreted the term “expenditure” as meaning when the expenditure occurred. I am fully aware of the rules and assure the Commission that I am committed to understanding and adhering to all reporting requirements in the future.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerry Runte". The signature is written in a cursive, flowing style with a prominent initial "G" and a long, sweeping underline.

Gerry Runte

From:
Bcc:

[Brann, Lorrie J](#)

[manaabdi60@gmail.com](#); [Shukri.idris.abdirahman@gmail.com](#); [CommanderAdams@yahoo.com](#); [suzanne@suzanneAndresen.com](#); [dankeles@gmail.com](#); [amybarata@gmail.com](#); [marcher@une.edu](#); [poppy4staterep@gmail.com](#); [willydog1946@gmail.com](#); [sueaustin@myottmail.com](#); [will@avantaggio.com](#); [bagshaw1@mac.com](#); [dabaileylaw@gmail.com](#); [hexbane@gmail.com](#); [joanbeal@yahoo.com](#); [mattbeck13@gmail.com](#); [amybell@scamaine.org](#); [abell9086@aol.com](#); [rick@rickbenett.org](#); [paul.bernard.for.maine.rep@gmail.com](#); [bruce.bickford@aol.com](#); [markblieformaine@gmail.com](#); [david@davidwboyer.com](#); [michelleformaine@gmail.com](#); [mfbrennan@gmail.com](#); [mrs.lemonburger@gmail.com](#); [brucebryant134@gmail.com](#); [dania99@icloud.com](#); [CONTACT@NATHANCARLOW.COM](#); [anneinmaine@gmail.com](#); [carrve22@gmail.com](#); [jcat4you@gmail.com](#); [qjchapman@gmail.com](#); [anniechristy4house@icloud.com](#); [ken@erikschurch.com](#); [Marygrace.Cimino@yahoo.com](#); [rxxxclark@gmail.com](#); [lee.clement@twc.com](#); [kristendoutier@yahoo.com](#); [Corinna.Cole@gmail.com](#); [michconners@gmail.com](#); [gmcooper81@aol.com](#); [CopelandforSaco@gmail.com](#); [patrick@patrickcorey.com](#); [kajamier@yahoo.com](#); [Scottcraig659@yahoo.com](#); [crock5@maine.rr.com](#); [pgcrockett@yahoo.com](#); [stef@refresh207.com](#); [matthea@mattheadaughtry.com](#); [kelly.rouillard88@gmail.com](#); [dega.dhalac@gmail.com](#); [casdove67@gmail.com](#); [iggydoyle@gmail.com](#); [sonjohans@aol.com](#); [jillduson@gmail.com](#); [scott@scotteccleston.com](#); [johnmichaedeled@gmail.com](#); [Charles.Ellis48@Protonmail.com](#); [57fecteau@cua.edu](#); [jayfinegan@hotmail.com](#); [foleybos1@gmail.com](#); [fenwickfowler@gmail.com](#); [afedericks@vettedmaine.com](#); [dgattine@gmail.com](#); [traci.gere@gmail.com](#); [jefgil01@gmail.com](#); [SGGIRARDIN2014@OUTLOOK.COM](#); [girouxforhouse@gmail.com](#); [revbethg@gmail.com](#); [cheryl.g207@gmail.com](#); [evan.goodkowsky@gmail.com](#); [apgraham1@gmail.com](#); [gramlich4statehouse@gmail.com](#); [hall.district99@gmail.com](#); [hamillformaine@gmail.com](#); [harringtonformaine@gmail.com](#); [rachel.hendersonme@yahoo.com](#); [2robertahill@gmail.com](#); [DHolman1@maine.rr.com](#); [gradmanmaine@yahoo.com](#); [ChrisHowell427@GMail.com](#); [henryngwersen10@gmail.com](#); [jacksonforhouse80@gmail.com](#); [kellyfjames@gmail.com](#); [jgianelle64@gmail.com](#); [Teajohn@msn.com](#); [sejact@gmail.com](#); [jloganj@gmail.com](#); [libbiej65@gmail.com](#); [sjordan@207ent.net](#); [lisa.keim@hotmail.com](#); [email@christopherkessler.com](#); [pattykidderd19@gmail.com](#); [stacy@stacykilroy.com](#); [bcountry@psouth.net](#); [amydonovankuhn@gmail.com](#); [lajoie1@midmaine.com](#); [mikelance75@gmail.com](#); [laniganhouse141@gmail.com](#); [danlauzon@metrocast.net](#); [tomlavigne@live.com](#); [mikelawler@mac.com](#); [mark@lawrencelawme.com](#); [guylebida@gmail.com](#); [arlee4mehouse@gmail.com](#); [david@levesquelaw.com](#); [jimlibby39@yahoo.com](#); [laurel@laurellibby.com](#); [aliving1@maine.rr.com](#); [looknerforstaterep@gmail.com](#); [lovejoycarol06@gmail.com](#); [tristanlozuaway@gmail.com](#); [marc@marcmalon.com](#); [katiemanendehall@yahoo.com](#); [jemhunter@yahoo.com](#); [garrettspaulmason@gmail.com](#); [rickmasonexcavation@gmail.com](#); [annemariemastaccio@icloud.com](#); [kristimathieson@gmail.com](#); [jmccabe507@gmail.com](#); [gmcgrane7@gmail.com](#); [mckinneyforhouse@gmail.com](#); [senatedistrict22maine@gmail.com](#); [twmcphee@gmail.com](#); [jam9@ghi.net](#); [craig.messinger@yahoo.com](#); [michelevmeyer@gmail.com](#); [ninedot1@gmail.com](#); [sawin.millett@gmail.com](#); [chopstks@me.com](#); [libbymitchell2@gmail.com](#); [thad@moodyscollision.com](#); [mattmoonen207@gmail.com](#); [ryan.morgan1273@gmail.com](#); [morrisforrep@gmail.com](#); [bsm149@localnet.com](#); [kmmurphy5@gmail.com](#); [nangleformaine@gmail.com](#); [jnedeau@arundelmaine.org](#); [sheriffnichols@gmail.com](#); [charlottenutt@gmail.com](#); [rolsen001@maine.rr.com](#); [dparislaw@gmail.com](#); [wayneparry@roadrunner.com](#); [seanpaulhus@gmail.com](#); [cpendle5@gmail.com](#); [janepentheny@verizon.net](#); [jeffreykpierce@gmail.com](#); [teresaspierce@gmail.com](#); [pockcarpentry@maine.rr.com](#); [RPoint87@GMail.com](#); [dpoland6@aol.com](#); [mainely@roadrunner.com](#); [ivon2@yahoo.com](#); [jane.p.pringle@gmail.com](#); [dpugh@pughfoundation.org](#); [coachjoerafferty@gmail.com](#); [jules4senate@gmail.com](#); [jread902@gmail.com](#); [morganrielly95@gmail.com](#); [tiffany.roberts323@gmail.com](#); [AZR5209@AOL.COM](#); [peggy.rotundo@gmail.com](#); [gerry.runte@gmail.com](#); [melaniesachsforme@gmail.com](#); [suzanne.salisbury35@gmail.com](#); [hollytsargent22@gmail.com](#); [ellieyokosato@gmail.com](#); [drtom16@hotmail.com](#); [dansavrebkb@gmail.com](#); [tammyforhouse@gmail.com](#); [afschutz1@gmail.com](#); [sschwar150@gmail.com](#); [nickiesekera@gmail.com](#); [papatom742@gmail.com](#); [b.sheats@aol.com](#); [tedbecks@gmail.com](#); [skold.charles@gmail.com](#); [skolfield4sherff@gmail.com](#); [cycledog@maine.rr.com](#); [kendiljipson@gmail.com](#); [SnyderForProbate@gmail.com](#); [stvalleabigail@gmail.com](#); [kaylasterlingre@gmail.com](#); [colleenstrickler@gmail.com](#); [votetalbotross@gmail.com](#); [teps@comcast.net](#); [pt9lombard@gmail.com](#); [travers4treasurer@gmail.com](#); [nathanwadsworth@hotmail.com](#); [JacobWakem7@GMail.com](#); [markwalker4me@gmail.com](#); [markwalker4me@gmail.com](#); [tammyformaine@gmail.com](#); [voteforward24@gmail.com](#); [sophieforscarborough@gmail.com](#); [kiltonwebb@gmail.com](#); [susanwiswell@gmail.com](#); [steveforhouse@gmail.com](#); [yagger1@icloud.com](#); [woodysnavy@aol.com](#); [dcwoodsme@gmail.com](#); [butlerwrightclan@yahoo.com](#); [yusufformainehouse@gmail.com](#); [samzager@gmail.com](#); [Mark Z](#)

Subject:
Date:

Guidance on 24-Hour Reporting Period and Reporting Debts & Obligations
Tuesday, October 22, 2024 1:58:00 PM

PLEASE READ THIS EMAIL THOROUGHLY!

As a reminder, the 24-Hour Reporting Period begins **Wednesday, October 23 and ends on Monday, November 4.** During the 24-Hour Reporting Period, any transactions in the following list must be reported within 24 hours on the Commission's eFiling website:

- Any single contribution of \$1,000 or more
 - Any single loan of \$1,000 or more
 - Any single expenditure of \$1,000 or more
 - Any single unpaid debt or unpaid order of \$1,000 or more
-

Regardless of whether you have an invoice or have made a payment on a purchase, if you agree to or place an order with a vendor that is (or may be) \$1,000 or more, you are required to report it as a debt on a 24-Hour Report during the 24-Hour Reporting Period

To file a 24-Hour Report, you must log on to the eFiling website and enter the transaction. The system will make a special 24-Hour Report for you to file. The report must then be completely filed - just entering the transaction will not meet the filing requirements.

Reminder to MCEA candidates: only your treasurer can file reports!

This email also serves as a reminder about the importance of reporting debts and unpaid obligations. **Debts must be reported when a reporting period ends, and you have placed an order during that reporting period that you have not fully paid for yet.** Regardless of whether you have received an invoice or bill - you are responsible for at least having an estimate of how much your order(s) will cost; reporting an estimated amount in a debt is allowed.

For instance, candidate Bridget Jones agrees to a third direct mail purchase with the direct mail vendor on October 18th. Bridget needs to file the 11-Day Pre-General Report on October 25th but doesn't have an invoice yet. However, the last two direct mail pieces cost around \$1,500 each, so Bridget reports a debt of \$1,500 with a date of October 18 in the 11-Day Pre-General Report.

EVERY ORDER PLACED OR AGREED TO BY OCTOBER 22ND MUST BE INCLUDED ON THE 11-DAY PRE-GENERAL REPORT.

Please do not hesitate to contact me if you have questions or concerns about this email.

Have a good afternoon,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135




CHAPTER 8 - REPORTING REQUIREMENTS

A candidate and their treasurer are jointly responsible for filing timely and accurate reports. Campaign finance reports must be:

- **Complete**, containing all the financial activity that falls within the dates of the report period;
 - If the campaign makes a mistake or unintentional omission in the filed report, they must file an **amended** report as soon as possible.
- **On time**, filed online via eFiling, no later than 11:59 p.m. the day of the deadline; and
- **Accurate** and complete to the best knowledge of the candidate and treasurer. Knowingly making a false statement in a report is a Class E crime.

The Commission staff review all campaign finance reports to ensure candidates are in compliance with Maine election law. The staff may contact the campaign for additional information or amendments if necessary.

In addition to the regular filing schedule, some candidates may have to file **24-Hour Reports**. A 24-Hour Report is filed in the last 13 days before an election for any single transaction of \$1,000 or more. Only candidates who are opposed in an election by either a candidate on the ballot or a declared write-in candidate must file 24-Hour Reports. Overhead costs that have been made regularly throughout the campaign, such as rent, taxes, or salary payments, are not required to be reported in a 24-Hour Report.

| 24-HOUR REPORTS: | 24-HOUR REPORT PERIOD | | | | | | |
|--|-----------------------|-----|--------------|-----|-----|-----|-----|
| | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| | | | | | | | |
| | | | | | | | |
| <ul style="list-style-type: none">• Filed within 24 hours of receiving the contribution or making the expenditure or obligation.• Must be filed on a weekend or holiday if that is when it is due and cannot wait until the next business day.<ul style="list-style-type: none">• Filed online.• Contributions and expenditures received or made on the day before an election must be reported on election day. | | | Election Day | | | | |
|  Indicates 24-Hour Report period | | | | | | | |

A 24-Hour Report is filed online in eFiling within 24 hours of the transaction.



Maine Clean Election Candidate Filing Schedule

Primary Election: 06/11/2024

General Election: 11/05/2024

| Report Name | Filing Period | Filing Deadline |
|---|--|--|
| 2024 January Semiannual | <i>If more than \$500 in Seed Money Contributions raised</i> Beginning of campaign – 12/31/2023 | 01/16/2024 |
| Seed Money Report* (Certification Request no later than 5:00 p.m.) | Date of first seed money contribution – date of certification request OR *Candidates who filed a Semiannual Report: January 1, 2024 – date of certification request | 04/22/2024 |
| 11-Day Pre-Primary | End of Seed Money Report – 05/28/2024 | 05/31/2024 |
| 24-Hour Reports (Primary) | 05/29/2024 – 06/10/2024 | Day after receipt of contribution or purchase of \$1,000 or more |
| 42-Day Post-Primary | 05/29/2024 – 07/16/2024 | 07/23/2024 |

| Replacement Candidates | | |
|--|---|------------|
| Seed Money Report (Certification Request no later than 5:00 p.m.) | Beginning of campaign – date of certification request | 08/21/2024 |

| | | |
|--------------------|-------------------------|------------|
| 42-Day Pre-General | 07/17/2024 – 09/17/2024 | 09/24/2024 |
|--------------------|-------------------------|------------|

Supplemental QC Deadline (Submitted no later than 5:00 p.m.) 10/15/2024

| | | |
|---------------------------|-------------------------|--|
| 11-Day Pre-General | 09/18/2024 – 10/22/2024 | 10/25/2024 |
| 24-Hour Reports (General) | 10/23/2024 – 11/04/2024 | Day after receipt of contribution or purchase of \$1,000 or more |
| 42-Day Post-General | 10/23/2024 – 12/10/2024 | 12/17/2024 |

«Title» «First Name» «Last Name»

«Address1»

«City», «State» «Zip»



11-DAY PRE-GENERAL REPORT **DUE FRIDAY, OCTOBER 25, 2024**

11-DAY PRE-GENERAL REPORT **DUE OCTOBER 25, 2024!**



- * All candidates receiving this reminder must file their 11-Day Pre-Primary Report no later than 11:59 p.m. on **Friday, October 25, 2024**
 - * Reporting period ends: October 22, 2024
 - * To file your report, go to www.mainecampaignfinance.com and sign in
- » **The 24-Hour Reporting Period for transactions of \$1,000 or more starts October 23, 2024**
- **Staff Tip: Enter all expenditures as you make them to avoid making a mistake and not filing this report on time!**

If you need assistance, please contact your Candidate Registrar:

Erin Gordon: erin.gordon@maine.gov | (207) 287-3651
House 1-76, Senate 1-17
Aroostook, Hancock, Knox, Penobscot, Piscataquis,
Somerset, Waldo, and Washington counties

Lorrie Brann: lorrie.j.brann@maine.gov | (207) 287-4727
House 77-151, Senate 18-35
Androscoggin, Cumberland, Franklin, Kennebec,
Lincoln, Oxford, Sagadahoc, and York counties

From: Brann.Lorrie.J@gmail.com
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report
Date: Thursday, December 12, 2024 1:16:00 PM

Hi Gerry:

The 24-Hour reporting period was 10/23/24 – 11/4/24, so if 11/5 was the correct date for this expenditure, then you would not have had to make any changes to your reporting. 11/5, however, was election day and that is why I followed up with you regarding this expenditure—it did not seem likely that you would have made an expenditure for a final mailing on election day. During the 24-Hour reporting period, our advice to candidates is to report all expenditures of \$1,000 or more as Debts so that if a 24-Hour Report is triggered, they do not miss filing that report.

Here is the statutory definition of an expenditure, which contains the obligate/approval language:

3. Expenditure. The term “expenditure:”

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

I hope I answered your question, but please do not hesitate to contact me if you have additional questions or need more information. [Please confirm that you would like to pursue your request for a waiver.](#)

Thank you,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Thursday, December 12, 2024 12:48 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Before you do, I just realized something that was not mentioned in the appeal. If the November 5 entry had been valid and not amended, would there have been the need for a 24 Hour Report at all?

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Thursday, December 12, 2024 12:46 PM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Thank you, Gerry. I will forward your waiver request to Jonathan Wayne, the Executive Director for the Maine Ethics Commission. As I previously informed you, this matter will likely be scheduled in January.

Have a good day,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Thursday, December 12, 2024 12:40 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lorrie-

Attached is my appeal. Is it properly addressed, and should it go to someone other than you?

Gerry

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Wednesday, December 11, 2024 3:04 PM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Hi Gerry:

Due to a glitch in the system, I had to delete and re-enter this expenditure and refile the 24-Hour report in order for it to show up in your filings. The 24-Hour Report was filed 47 days and the preliminary penalty is \$1,275.55 (see the attached preliminary penalty letter). If you wish to request a waiver/reduction of this preliminary penalty, you must submit a written request within 14 days; you may email the waiver request letter to me. In your waiver request you must give the reasons for the late filing and why the preliminary penalty should be waived or reduced. It is likely your waiver request will be scheduled for the January Commission Meeting; it is highly recommended that you participate in the Commission meeting.

Please do not hesitate to contact me if you have any questions.

Have a good afternoon,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727

Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Wednesday, December 11, 2024 12:36 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lorrie-
The approval date for that card was 10/24 (approval email attached). I amended the expenditure and it asked me to refile the 42 day report. Apparently I never submitted the 24 hour one, so that got filed as well. What else do I need to do?

Gerry

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Wednesday, December 11, 2024 7:55 AM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Good morning Gerry:

Thank you again for the information. Given this information, the only expenditure you need to fix is the 11/5 expenditure. Depending on when you approved this mailer, you may need to enter a Debt or just amend the expenditure date. Here are the possible scenarios:

- If the approval date is within the 11-Day Pre-General reporting period (9/18 – 10/22), then you would delete the expenditure, enter a Debt (approval date is date of expenditure, i.e., 10/22) and then enter the payment on that Debt (paid 11/5); this will trigger a refile of the 11-Day Pre-General Report.
 - If the approval date is within the 11-Day Pre-General reporting period, then you do not have a reporting violation.
- If the approval date is within the 24-Hour reporting period (10/23 – 11/4) then you would amend the expenditure to show the approval date as the date of expenditure.
 - If the approval date is within the 24-Hour reporting period, you will have a violation for a late 24-Hour Report.

I hope this clarifies this situation for you, but please do not hesitate to contact me if you need more information or assistance in making the necessary changes.

Thank you,
Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Tuesday, December 10, 2024 4:32 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry- Morgan Pottle Urquarht is the name of the person I dealt with at a firm called Sunrise Strategies.

The original contract with Sunrise for \$2300 is attached. It presumed several payments, but as it ended up, I only spent \$1650, which was spread out over 3 invoices. What I reported for Sunrise was the payment date of the three invoices.

For each of the mailings, Print Bangor would send me a proof of the card, which I would approve. After each mailing was completed they would send me an invoice, and what I reported was the amount paid when it was paid.

So how do I fix this?

Gerry

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Tuesday, December 10, 2024 3:29 PM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Thank you, Gerry.

I don't see an expenditure to Morgan Pottle Urquhart – is it included in the Bangor Print payments?

What I am trying to figure out is whether you should have reported the mailings as a Debt. Or if you approved each mailing as they were done.

In campaign finance, the date you obligate/give approval for an expenditure is the date of the expenditure. If you obligate/approve and pay an expenditure in the same reporting period, using the payment date to report the expenditure is okay. However, if you obligate/approve an expenditure in one reporting period and pay in a later reporting period, then you must report the expenditure as a Debt and enter the payment on the Debt. Here is what I am seeing:

| | | | Mail Sent/Printed Material Pick-Up | Mail Lands | - | | | | | | | | | | Reported Date |
|---------|--|--|---|---------------|---|--|-------|-------|---------|----------|----------|----------|-------------------|-------------------|------------------|
| Runte_1 | Target Early Voters | | 9/4/2024 | 9/9/2024 | Candidate Profile/Accomplishments | 4x6 Postcard (2-sided, color) | 2,000 | 1,680 | \$43.43 | \$574.06 | \$268.80 | \$604.80 | \$1,491.09 | \$1,304.13 | 9/15/2024 |
| Runte_2 | Candidate Profile or Issue- Specific Piece | | 9/23/2024 | ##### | Energy & Climate | 5 x 7 Postcard (2-sided, color) | 1,500 | 1,488 | \$34.11 | \$416.18 | \$203.92 | \$535.68 | \$1,189.89 | \$1,189.89 | 10/1/2024 |
| Runte_3 | Candidate Profile or Issue- Specific Piece | | 10/5/2024 | ##### | Reproductive Rights | 5 x 7 Postcard (2-sided, color) | 2,000 | 1,873 | \$37.92 | \$476.52 | \$212.77 | \$720.00 | \$1,447.21 | \$1,428.42 | 10/21/2024 |
| Runte_4 | GOTV | | 10/25/2024 | ##### | Umbrella Freedom Frame Messaging | 4x6 Postcard (2-sided, color) | 2,000 | 1,994 | \$33.32 | \$393.06 | \$212.75 | \$717.84 | \$1,356.97 | \$1,356.97 | 11/5/2024 |

| | | | | | | | | |
|--------|-------|-------|----------|------------|----------|-------|------------|------------|
| Totals | 7,500 | 7,035 | \$148.78 | \$1,859.82 | \$898.24 | ##### | \$5,485.16 | \$5,279.41 |
|--------|-------|-------|----------|------------|----------|-------|------------|------------|

- If 8/13 is the obligate/approval date for all of the mailings, then only Runte_1 is okay.
- If the Mail Sent date is your obligate/approval date, then all of the expenditures are okay – except for Runte_4, which occurred during the 24-Hour Reporting Period.

Unfortunately, what this means is you have a reporting violation – either a substantially non-compliant report or a late-filed 24-Hour report.

Once you confirm your obligate/approval date(s), I will be able to advise you on how to correct your reporting.

Thank you,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Tuesday, December 10, 2024 2:36 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

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Sure. Here it is.

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Tuesday, December 10, 2024 1:43 PM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Hi Gerry:

Unfortunately I can't open the spreadsheet you sent. I clicked the link to request access or if you could attach it to an email, that would be great.

Thank you,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Tuesday, December 10, 2024 1:29 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lorrie-

I contracted with Morgan Pottle Urquhart on August 13. That was for their design of the 4 post cards, management of the direct mail campaign (creating targeted address lists, total count, etc.) and the design of one newspaper print ad. They contracted with Print Bangor to do the actual printing and mailing. The cost for the Morgan work was \$2300. Morgan knew my budget and adjusted the number of each mailing so that we came in under budget. I had no contract with Print Bangor, other than a business credit application filed on September 4.

The full budget for the mailings is in this spreadsheet: <https://docs.google.com/spreadsheets/d/1SpPR4l8myq5BSogTwyGnGn1Z4rkZToXSxeXt9xDjUsh8/edit?gid=1642356368#gid=1642356368>

Is there a problem?

Gerry

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Tuesday, December 10, 2024 1:12 PM
To: gerry.runte@gmail.com
Subject: RE: 42-Day Post-General Report

Hi Gerry:

Thank you for the information. When did you enter into the contract for these 4 mailings?

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775

From: gerry.runte@gmail.com <gerry.runte@gmail.com>
Sent: Tuesday, December 10, 2024 1:09 PM
To: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Subject: RE: 42-Day Post-General Report

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That was when I paid their invoice. I had contracted for a total of 4 postcard mailings. This one was the last and went out the week of October 28.

From: Brann, Lorrie J <Lorrie.J.Brann@maine.gov>
Sent: Tuesday, December 10, 2024 12:57 PM
To: gerry.runte@gmail.com
Cc: marean@princeton.edu
Subject: 42-Day Post-General Report

Good afternoon Gerry:

I reviewed your 42-Day Post-General Report and have a question about one of your expenditures:

11/5 Print Bangor \$1,356.97 Final postcard mailing

Did you order & pay for this expenditure on 11/5? Or is the date you paid for the mailing, but you approved it sooner?

Thank you,

Lorrie

Lorrie J. Brann,
Candidate Registrar
Maine Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Phone: (207) 287-4727
Fax: (207) 287-6775



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2024 CAMPAIGN YEAR

| COMMITTEE | | TREASURER |
|---|------------|---|
| Mr. Walter Gerard Runte, Jr. 45 Fall Mill Rd York, ME 03909 PHONE:(207) 361-7143 EMAIL: gerry.runte@gmail.com | | Ms. Michelle Alden Marean 45 Fall Mill Rd York, ME 03909 PHONE:(207) 318-7163 EMAIL: marean@princeton.edu |
| REPORT | DUE DATE | REPORTING PERIOD |
| 24 Hour Report of Contributions and Expenditures | 10/25/2024 | 10/24/2024-10/24/2024 |

FINANCIAL ACTIVITY SUMMARY

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

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

REPORT FILED BY: Michelle Alden Marean
REPORT FILED ON: 12/11/2024 12:34:25 PM
LAST MODIFIED:
COMMITTEE ID: 487508



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2024 CAMPAIGN YEAR

| COMMITTEE | | TREASURER |
|---|------------|---|
| Mr. Walter Gerard Runte, Jr. 45 Fall Mill Rd York, ME 03909 PHONE:(207) 361-7143 EMAIL: gerry.runte@gmail.com | | Ms. Michelle Alden Marean 45 Fall Mill Rd York, ME 03909 PHONE:(207) 318-7163 EMAIL: marean@princeton.edu |
| REPORT | DUE DATE | REPORTING PERIOD |
| 24 Hour Report of Contributions and Expenditures | 10/25/2024 | 10/24/2024-10/24/2024 |

FINANCIAL ACTIVITY SUMMARY

| CONTRIBUTIONS AND EXPENDITURES | |
|--------------------------------|------------|
| 1. TOTAL CONTRIBUTIONS / LOANS | \$0.00 |
| 2. TOTAL EXPENDITURES | \$1,356.97 |
| 3. TOTAL DEBTS | \$0.00 |

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

REPORT FILED BY: LORRIE BRANN on behalf of Michelle Alden Marean
REPORT FILED ON: 12/11/2024 2:22:42 PM
LAST MODIFIED:
COMMITTEE ID: 487508

24-HOUR EXPENDITURE AND PAYEE INFORMATION

| EXPENDITURE TYPES | | | | |
|-------------------|---|-----|--|--|
| CNS | Campaign consultants | POL | Polling and survey research | |
| CON | Contribution to other candidate, party, committee | POS | Postage for U.S. Mail and mail box fees | |
| EQP | Equipment (office machines, furniture, cell phones, etc.) | PRO | Other professional services | |
| FND | Fundraising events | PRT | Print media ads only (newspapers, magazines, etc.) | |
| FOD | Food for campaign events, volunteers | RAD | Radio ads, production costs | |
| LIT | Print and graphics (flyers, signs, palmcards, t-shirts, etc.) | SAL | Campaign workers' salaries and personnel costs | |
| MHS | Mail house (all services purchased) | TRV | Travel (fuel, mileage, lodging, etc.) | |
| OFF | Office rent, utilities, phone and internet services, supplies | TVN | TV or cable ads, production costs | |
| OTH | Other | WEB | Website design, registration, hosting, maintenance, etc. | |
| PHO | Phone banks, automated telephone calls | | | |

| DATE OF EXPENDITURE | PAYEE | REMARK | TYPE | AMOUNT |
|--|--|------------------------|------|-------------------|
| 10/24/2024 | Print Bangor 80 CENTRAL ST BANGOR, ME, 04401 | Final postcard mailing | MHS | \$1,356.97 |
| TOTAL EXPENDITURES FOR CANDIDATE: | | | | \$1,356.97 |

Commission Penalty Decisions - Candidates

| Candidate | Late Report/Other Violation | Preliminary Penalty | Final Penalty | Commission Meeting Date |
|--|---|---------------------|---------------|-------------------------|
| Legislative and County candidates | | | | |
| James Boyle | Late January Semiannual Report | \$1,000.00 | \$500.00 | 03/28/18 |
| Diane Russell | Substantially Non-Compliant January Semiannual | | \$100.00 | 05/30/18 |
| Diane Russell | Substantially Non-Compliant 42-Day Pre-Primary | | \$200.00 | 05/30/18 |
| Ian Schwartz | Late 24-Hour Report | \$384.37 | \$300.00 | 08/29/18 |
| Danny Costain | Late 24-Hour Report | \$2,991.36 | \$300.00 | 08/29/18 |
| Jeffrey Slocum | Late July Semiannual | \$112.00 | \$112.00 | 08/29/18 |
| Mark Lawrence | 11-Day Pre-Primary (not compliant) | \$1,739.73 | \$400.00 | 09/26/18 |
| John Tuttle, Jr. | Late 42-Day Post Primary | \$432.00 | \$250.00 | 09/26/18 |
| Dana Dow | Late 24-Hour Report | \$115.93 | \$115.93 | 11/28/18 |
| Jan Collins | Late 24-Hour Report | \$2,565.38 | \$300.00 | 12/19/18 |
| Cynthia Soma-Hernandez | Commingling of funds | | \$100.00 | 12/19/18 |
| | | | | |
| John Clark | MCEA Violation-Contributions after Certification | | \$250.00 | 03/06/19 |
| Cathleen Nichols | Late 24-Hour Report | \$3,744.00 | \$400.00 | 03/06/19 |
| James LaBrecque | Late 42-Day Post General | \$235.03 | \$235.03 | 03/06/19 |
| Mark Remick | Late 24-Hour Report (2) | \$2,011.85 | \$400.00 | 03/06/19 |
| Stephen Ball | Commingling of funds waived since he returned \$115 of MCEA funds | | \$100.00 | 06/04/19 |
| Philip Spiller (<i>Municipal</i>) | Late 24-Hour Report (3) | \$2,395.28 | \$900.00 | 12/18/19 |
| | | | | |
| Edward Cohen | Failure to Register | | \$100.00 | 05/27/20 |
| Mark Lawrence | Late 42-Day Post Primary | \$529.50 | \$350.00 | 10/16/20 |
| Brian Redmond | Late 42-Day Post Primary | \$84.00 | \$84.00 | 10/16/20 |
| Mark Andre | Late 42-Day Post Primary | \$132.00 | \$132.00 | 10/16/20 |
| Jeffrey Pierce | Late 42-Day Pre-General | \$40.37 | \$40.37 | 10/30/20 |
| Steve Collins | No Disclaimer on Signs | | \$200.00 | 12/18/20 |
| | | | | |
| Troy Jackson | Late 24-Hour Report | \$50.00 | \$50.00 | 01/27/21 |
| Scott Gaiason | Late 11-Day Pre-General Report | \$109.54 | \$109.54 | 01/27/21 |
| William Guerrette | No Disclaimer on Signs | | \$0.00 | 03/08/21 |
| Robyn Stanicki | Late July Semiannual Report | \$637.50 | \$250.00 | 10/29/21 |
| | | | | |
| Howard Patten | Failure to Register | | \$100.00 | 04/27/22 |
| Timothy Keenan | Failure to Register | | \$100.00 | 04/27/22 |
| John V. Chambers | Late 42-Day Post Primary | \$34.90 | \$34.90 | 09/28/22 |
| Benjamin J. Meiklejohn | Late 42-Day Post Primary | \$18.03 | \$18.03 | 09/28/22 |
| Nancy Piche | Failure to File SOSOI | | \$100.00 | 09/28/22 |
| Timothy Keenan | Failure to File SOSOI | | \$100.00 | 09/28/22 |
| Daniel Merrill | Failure to File SOSOI | | \$100.00 | 09/28/22 |
| Susan Bernard | No Disclaimer on mailing | | \$75.00 | 10/26/22 |
| Danielle Fienberg | Late 11-Day Pre-General Report | \$368.12 | \$300.00 | 11/30/22 |
| Stephen Hanrahan | Late 24-Hour Report | \$423.54 | \$300.00 | 11/30/22 |
| David Thurston | Late 11-Day Pre-General Report | \$139.82 | \$100.00 | 11/30/22 |

| | | | | |
|--------------------------------|---|------------|------------|----------|
| Scott Gaisaon | Substantially Non-Compliant 11-Day Pre-General Report | \$135.43 | \$135.43 | 11/30/22 |
| Matthea Daughtry | Late 11-Day Pre-General Report | \$658.21 | \$150.00 | 12/21/22 |
| Robert McCarthy | Late 24-Hour Report | \$308.09 | \$300.00 | 12/21/22 |
| | | | | |
| Ronald Russell | Late 24-Hour Report | \$1,573.52 | \$350.00 | 01/30/23 |
| Reagan Paul | Late 24-Hour Report | \$1,945.30 | \$350.00 | 01/30/23 |
| Neil MacLean, Jr. | Late 24-Hour Report | \$3,680.00 | \$350.00 | 01/30/23 |
| Sharri MacDonald | Substantially Non-Compliant Pre-General Report | \$962.47 | \$150.00 | 01/30/23 |
| Sharri MacDonald | Substantially Non-Compliant Pre-General Report | \$293.40 | \$50.00 | 01/30/23 |
| Frank Roma | MCEA Overspending | | \$200.00 | 01/30/23 |
| | | | | |
| Joseph Galletta | Late registration | \$100.00 | \$100.00 | 05/29/24 |
| John DeVeau | 2 Late Semiannual Reports | | \$200.00 | 09/25/24 |
| Richard Cyr | Late 42-Day Pre-General Report | \$498.50 | \$300.00 | 10/30/24 |
| Flavia DeBrito | Late 42-Day Pre-General Report | \$64.90 | \$64.90 | 10/30/24 |
| Scott Cyrway | Late 24-Hour Report | \$43.98 | \$43.98 | 12/18/24 |
| Leo Kenney | Late 11-Day Pre-Primary | \$835.37 | \$300.00 | 12/18/24 |
| Kevin Freeman | Late 11-Day Pre-Primary | \$184.43 | \$184.43 | 12/18/24 |
| Candidates for Governor | | | | |
| Mark Eves | Late 24-Hour Report (2) | \$1,378.70 | \$500.00 | 09/26/18 |
| | | | | |
| Paul R. LePage | Late 42-Day Pre-Primary | \$9,091.83 | \$3,000.00 | 06/22/22 |
| Ethan Alcorn | Late 42-Day Pre-Primary | \$200.00 | \$200.00 | 06/22/22 |

§ 1012. Definitions

...

3. **Expenditure.** The term “expenditure:”

A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

21-A M.R.S. § 1017 Reports by candidates

...

3-A. Other candidates. A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year in which an election for the candidate’s particular office is not scheduled, when any candidate or candidate’s political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

B. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

C. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of \$1,000 or more received or any single 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 any election must be reported within 24 hours of that contribution or expenditure. The candidate or 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.

D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office, unless required by the municipality. Certified candidates and participating candidates, as defined under section 1122, subsections 1 and 6, respectively, are not required to file a report on the 42nd day before a primary election pursuant to this section.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State’s fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

F. Reports with respect to a candidate who seeks nomination by petition must be filed on the same dates that reports must be filed by a candidate for the same office who seeks that nomination by primary election.

21-A M.R.S. § 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 \$100. 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;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- 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.

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

- A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$25 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.

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, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

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 dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

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

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

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.

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.

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.

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.

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.

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.

Chapter 1: PROCEDURES

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SECTION 7. EXPENDITURES

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3. Reporting Debts and Unpaid Obligations

- A. The following events constitute expenditures, even if the payment for a good or service has not been made at the time of the event:
 - (1) The placement of an order for a good or service;
 - (2) The signing of a contract for a good or service;
 - (3) The acceptance of the delivery of a good or the performance of a service by a vendor; or
 - (4) A promise or an agreement (including an implied one) that a payment will be made in exchange for a good or service.
- B. For reporting purposes, the expenditures listed in paragraph A are designated as debts or obligations prior to payment for the goods or services being made.
- C. If a person required to file a campaign finance report has a debt or obligation which remains unpaid at the end of the report period, the person shall report the date, amount, vendor, and purpose of the debt or obligation. If the exact amount is not known, the person filing the report shall report an estimate of the amount (preferably obtained in a written statement from the vendor).
- D. If a debt or obligation occurs in the same report period as a payment for that debt or obligation, the person filing the report will report only the payment, not the debt or obligation.
- E. A candidate or committee is not required to report a payment for a good or service in a 24-Hour Report, if the candidate or committee reported a debt for that good or service in the last regularly scheduled campaign finance report.