



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

To: Commissioners
From: Martha Currier, Assistant Director
Date: November 25, 2024
Re: Bright Future Maine – Waiver Request

During the last 13 days before an election, registered PACs must file special campaign finance reports (within 24 hours) of large transactions that would not otherwise be publicly disclosed until after the election. On November 2, 2024, Bright Future Maine (the “PAC”) received a \$10,000 contribution and was required to file a 24-Hour Report by November 3 but did not do so until November 11. The PAC has requested a waiver of the \$2,800 preliminary penalty.

LEGAL REQUIREMENTS

24-Hour Reports. During the 13 days before an election PACs are required to report any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made within 24 hours. 21-A M.R.S. § 1059(2)(E). If the PAC is late in filing the 24-hour report, the statutory amount of the preliminary penalty is determined by the amount of the transaction, the number of prior violations within a two-year period, and the number of days late. 21-A M.R.S. § 1062-A(3). The Commission may grant a full or partial waiver if it determines that the report was late due to mitigating circumstances defined in statute or is disproportionately high relative to certain factors. 21-A M.R.S. § 1062-A(2).

DISCUSSION AND STAFF RECOMMENDATION

On November 2, the PAC received a \$10,000 contribution, which required it to file a 24-Hour Report on November 3, but it was not filed until November 11. Based on the statutory formula for calculating late filing penalties, the preliminary penalty amount is \$2,800.

| Report Name | Activity Amount | Due Date | Days Late | Penalty Rate | Penalty |
|----------------|-----------------|-----------|-----------|--------------|---------|
| 24-Hour Report | \$10,000 | 11/3/2024 | 7 | 4%* | \$2,800 |

*Penalty rates are set in statute at 2, 4, and 6% and they reset in January of every even-numbered year. The PAC previously filed a late report in August 2024 assessed at 2%, requiring this report to be assessed at 4%.

PAC Treasurer, Eliza Woodcock, seeks a waiver because the contribution was a wire transfer related to a previously filed expenditure.

Commission staff are confident the PAC did not intend to deceive the public and believe the error was due to the treasurer's misunderstanding of the reporting requirements; however, even misunderstandings can result in penalties. Violations of the 24-hour reporting requirements can be serious matters, as these reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. While the PAC says the contribution subject to this penalty was for an expenditure the PAC previously reported, the 24-Hour reporting requirement applies to both contributions of more than \$5,000 and expenditures of more than \$1,000, which are distinctly different transactions.

Commission staff do not find any mitigating circumstances in this case. We are concerned that the PAC did not take care to apply stricter oversight to their compliance activities since the Commission reduced a penalty in September 2024 for a late independent expenditure report from \$6,411.30 to \$375. Staff appreciate the whirlwind of activity that occurs before the election, however, that does not diminish the statutory requirements of filing timing reports.

Since April 2018, the Commission has generally assessed a final penalty of \$750 or more for routine, unintentional violations, with some reductions for good cause. The statutory formula for calculating preliminary penalties is designed so that successive late filings will result in increasing penalties. Given the circumstances described in this memo, Commission staff recommend that this penalty be reduced to \$1,000.

November 22, 2024

Maine Ethics Commission
Attn: Martha Currier
135 State House Station
Augusta, ME 04333

Dear Ms. Currier,

I am requesting a reduction in the fine for Bright Future Maine for the late 24-Hour report.

On October 23, Bright Future Maine committed to spending \$24,000 in expenditures to support/oppose four Senate candidates. These commitments were made based on the expectation that we would receive a \$10,000 wire transfer from AGC Maine PAC.

For over a week, there were problems with the wired money going through to our account. While we waited for the money to go through, I cut a check for \$14,000, to cover part of the buy. Once the wire had successfully gone through, I had a cashier's check cut for the rest of the \$10,000 that was owed.

When the wire came through and I cut the check, I believed that I didn't need to file anything because I had already reported the expenditure days earlier. The disjointed nature of the donation and expenditure led me to overlook the reporting of the transaction. I believed everything was clear, which was wrong since I had not yet reported the \$10,000 wire transfer.

The weekend after the election I was looking at the campaign finance website and our bank account to ensure that everything aligned. That is when I realized that I hadn't filed the report about the \$10,000 contribution. I filed it immediately, but it was about a week after the deadline.

I did not intend to hide this contribution. I take this issue very seriously and do my best to keep complete and detailed records. I did file the report that showed how the contribution money was spent. I tried to rectify this by filing the report as soon as I realized my error.

Thank you for your consideration of this request.

Sincerely,

Eliza Woodcock
Treasurer, Bright Future Maine

CC: Josh Tardy



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 | |
|--|------------|---|--|
| Bright Future Maine 36 Farvue Avenue Bangor, ME 04401 PHONE:(207) 209-0459 EMAIL: eliza.woodcock@gmail.com | | Eliza Woodcock 35 Farvue Avenue Bangor, ME 04401 PHONE:(207) 209-0459 EMAIL: eliza.woodcock@gmail.com | |
| REPORT | DUE DATE | REPORTING PERIOD | |
| 24-Hour Report of Contributions | 11/03/2024 | 11/02/2024-11/02/2024 | |

FINANCIAL ACTIVITY SUMMARY

| CONTRIBUTIONS AND EXPENDITURES | |
|--------------------------------|-------------|
| 1. TOTAL CONTRIBUTIONS / LOANS | \$10,000.00 |
| 2. TOTAL EXPENDITURES | \$0.00 |
| 3. TOTAL DEBTS | \$0.00 |

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

REPORT FILED BY: Eliza Woodcock
REPORT FILED ON: 11/10/2024 7:36:38 PM
LAST MODIFIED:
COMMITTEE ID: 484652

24-HOUR CONTRIBUTION INFORMATION

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

| DATE RECEIVED | CONTRIBUTOR | OCCUPATION AND EMPLOYER | CONTRIBUTOR/ CONTRIBUTION TYPE | AMOUNT |
|------------------------------------|---|-------------------------|---|--------------------|
| 11/2/2024 | AGC Maine PAC 188 Whitten Road Augusta, ME, 04330 | | 5 Monetary (Itemized) Contribution. | \$10,000.00 |
| TOTAL CONTRIBUTIONS / LOANS | | | | \$10,000.00 |



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

November 12, 2024

Ms. Eliza Woodcock, Treasurer
Bright Future Maine
38 Farvue Avenue
Bangor, ME 04401

Re: Late Filing of 24-Hour Report

Dear Ms. Woodcock:

The Commission on Governmental Ethics and Election Practices (the "Commission") staff finds that Bright Future Maine (the "committee") was late in filing a 24-Hour Report (the "report"). Although the report was due by 11:59 p.m. on November 3, 2024, it was not filed until November 10, 2024.

Per 21-A M.R.S § 1020-A, the late filing of the report triggers an enforcement process. Based on the amount of financial activity in the report, the number of calendar days the report was late, and any history of violations by the committee, the Commission staff determined the penalty for this violation is \$2,800.00 (see calculation matrix on next page).

If you disagree with this finding and the related preliminary penalty, the committee may make a written request that the Commission waive the penalty in whole or in part (an "appeal"). Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The appeal request must be in writing and contain a full explanation of the reasons the committee filed late. Upon receiving your request for an appeal, the Commission staff will schedule the hearing of your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines 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 the committee made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please see below for instructions on how to pay the penalty.

Sincerely,

A handwritten signature in blue ink that reads "Martha Currier".

Martha Currier
Assistant Director

Committee Name: Bright Maine Future

Prior Violations: 1

| Report Name | Activity Amount | Due Date | Days Late | Penalty Rate | Penalty |
|--------------------|------------------------|-----------------|------------------|---------------------|----------------|
| 24-Hour Report | \$10,000 | 11/3/2024 | 7 | 4% | \$2,800 |

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, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

As noted above, violations accumulate on reports filed late in the 2-year period that begins on January 1st of each even-numbered year. The waiver of a penalty does not nullify the finding of a violation for the purpose of calculating a future penalty during that time period.

To make a payment, either mail a check payable to “Treasurer, State of Maine” to us at the address above or pay online at www.maine.gov/ethics by selecting the “Penalty Payment” button at the bottom right of the screen.

Commission Penalty Decisions - PACs, BQCs, Party Committees (2018 - present)

| Committee Name | Requested Waivers of Late-Filing Penalties | Preliminary Penalty | Final Penalty | Commission Meeting Date |
|--|--|---------------------|---------------|-------------------------|
| Waiver Requests | | | | |
| Maine Health Care Assoc. PAC | Late 24-Hour Report | \$2,760.00 | \$500.00 | 08/29/18 |
| Fecteau Leadership PAC | Late 24-Hour Report | \$400.00 | \$400.00 | 08/29/18 |
| Waiver Requests | | | | |
| New Mainers PAC | Late 24-Hour Report | \$10,000.00 | \$1,000.00 | 03/06/19 |
| Waiver Requests | | | | |
| Maine Truck PAC | Late 24-Hour Report | \$2,203.08 | \$500.00 | 10/16/20 |
| Waiver Requests | | | | |
| Mainers for Health and Parental Rights | Late 24-Hour Report | \$980.00 | \$750.00 | 01/27/21 |
| Energy PAC for Maine | Late 24-Hour Report | \$8,840.00 | \$750.00 | 03/31/21 |
| Waiver Requests | | | | |
| Mainers for Local Power PAC | Late 24-Hour Report | \$300,000.00 | \$25,000.00 | 02/28/22 |
| Mainers for Local Power PAC | Late 24-Hour Report | \$98,500.00 | \$10,000.00 | 02/28/22 |
| No on 3: Right to Food is Wrong for Maine | Late 24-Hour Report (3) | \$932.00 | \$300.00 | 02/28/22 |
| Waiver Requests | | | | |
| Aroostook County Republican Committee | Late 24-Hour Report | \$120.00 | \$120.00 | 01/30/23 |
| Maine AFL-CIO Committee on Political Education PAC | Late 24-Hour Report | \$4,860.00 | \$750.00 | 02/28/23 |
| Maine United Auto Workers Council PAC | Two Late 24-Hour Reports | \$4,900.00 | \$1,000.00 | 02/28/23 |
| Waiver Requests | | | | |
| Maine Republican Party | 2 Late 24-Hour Reports | \$38,839.80 | \$3,000.00 | 09/25/24 |
| Friends of Maine Hospitals PAC | Late 24-Hour Report | \$900.00 | \$500.00 | 09/25/24 |

**Memo to Commissioners re: Friends of Maine Hospitals PAC Waiver Request –
Text of Legal Authority Cited in Memo in order Referenced**

21-A M.R.S. § 1059(2)(E)

Chapter 13: Campaign Finance Reports

§ 1059. Report; filing requirements

2. Reporting schedule. A committee shall file reports according to the following schedule.

E. If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the 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.

21-A M.R.S. § 1062-A(3)

Chapter 13: Campaign Finance Reports

§ 1062-A. Failure to file on time

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, 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 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.

21-A M.R.S. § 1062-A(2)

Chapter 13: Campaign Finance Reports

§ 1062-A. Failure to file on time

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;
- B. An error by the commission staff; or
- 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.