



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 Senator Joseph Rafferty for Waiver of Late-Filing Penalty for 24-Hour Report

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Senator Joseph Rafferty was running for reelection to Senate District 34 as a Maine Clean Election Act candidate in the 2024 general election. Candidates who make any single expenditure 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.” The statutory definition of expenditure includes making a contract, promise or agreement to make a payment to influence a candidate election. Commission staff’s written guidance is clear that if candidates enter into an unpaid debt or obligation of \$1,000 or more during the last 13 days before an election, it must be disclosed in a 24-Hour Report.

In his 2024 re-election campaign, Sen. Rafferty decided to hire Erikson Communications Group for digital advertising. After receiving some services from Erikson, on October 15, 2024 he paid \$10,558 to the consulting firm. Based on email correspondence received by the Commission staff, it appears that two weeks later (on October 29, 2024), Sen. Rafferty approved more services from Erikson with a value of \$10,000 which he ultimately paid for and reported after the general election. Commission staff believes the additional debt of \$10,000 entered into on October 29, 2024 should have been disclosed to the public through a 24-Hour Report *prior to the election* on October 30, 2024. Commission staff notified the candidate that a 24-Hour Report was late, and the preliminary penalty is \$5,000.

In his request for a waiver of the preliminary penalty, Sen. Rafferty acknowledges that he should have reported his debt to Erikson earlier but asserts that all debts to Erikson should have been disclosed in amended versions of the 42-day Pre-General Report that his treasurer originally filed on September 22, 2024, rather than in a 24-Hour Report. If the Commission accepts his

argument, Commission staff responds that the 42-Day Pre-General Report should be viewed as late because it was substantially incomplete. The candidate owed debts of \$20,558 to Erikson and a report missing those debts does not substantially conform to Maine's campaign finance reporting requirements. Regardless which report the Commission determines is late, staff recommends granting a partial waiver and assessing a final penalty of \$300 because we wish to underscore to all candidates that debts should be reported in the correct report period and Sen. Rafferty's campaign should have reported the full extent of services he purchased from Erikson prior to the general election.

## **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 that 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). A campaign finance report is not timely filed unless it substantially conforms to campaign finance disclosure requirements and the report is filed by the deadline. *Id.*

## **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. The email is attached, along with other written guidance about the 24-hour reporting requirement available to candidates.

On December 16, after reviewing Senator Rafferty's 42-Day Post-General Report, Candidate Registrar Lorrie Brann sent an email to the campaign about a November 20, 2024 payment of \$10,000 to Erikson Communication Group for digital advertising. In response, the campaign forwarded an email from the Erikson (attached) confirming Sen. Rafferty approved the \$10,000 in services on October 29, 2024. Ms. Brann informed the campaign the expenditure would have to be amended to correct the date because the unpaid debt of \$10,000 to Erikson should have been reported in a 24-Hour Report. The campaign corrected the date of the expenditure, which triggered a 24-Hour Report that should have been filed by October 30 but was not filed until December 20 - 51 days late. The preliminary penalty for the late report is \$5,000 and the candidate seeks a waiver of the penalty

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty would be \$10,200 but is capped at the maximum \$5,000.

<b>Report</b>	<b>Deadline</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
24-Hour Report	10/30/24	\$10,000	2%	51	\$5,000.00 (maximum)

In his January 9 request for a waiver, Senator Rafferty states there should not be a late 24-Hour Report because he initially contacted Erikson Communications about digital advertising for his campaign on August 19, 2024. He did not enter into a written contract with Erikson at that time but there was an oral agreement for services. Senator Rafferty states if he had reported the \$10,000 expenditure in August when he informally agreed to purchase digital services from Erikson, he would not now have a late 24-Hour Report. Unfortunately, what Senator Rafferty is not taking into consideration is that the total of the package he agreed to is \$20,558; he reported a \$10,558 expenditure to Erikson Communication on October 15. If he were to amend his 42-Day Pre-General Report to add a debt to Erikson Communications, he would have a substantially incomplete report, and the preliminary penalty would still be at the maximum amount. Here is the calculation for the preliminary penalty for an amended 42-Day Pre-General Report:

<b>Report</b>	<b>Deadline</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
42-Day Pre-General Report	09/17/24	\$20,558	2%	94	\$5,000.00 (maximum)

## **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.

Senator Rafferty contends that if he had reported a \$10,000 debt to Erikson Communications as of August 19, there would not be a late 24-Hour Report. There are several problems with this contention:

- (1) Senator Rafferty reported two expenditures to Erikson Communications - \$10,558 on 10/15 and \$10,000 on 11/20. Given the reported dates, this implies the original debt amount should have been \$10,558 and the \$10,000 would have been added as the amendment.
- (2) In his waiver request, Senator Rafferty states he should have amended the \$10,000 debt to include a second \$10,558 payment to Erikson Communications, to "cover the entire digital ad program my campaign always intended to run." The implication is that the total amount agreed to was \$20,558, which is the amount of debt that should have been reported.
- (3) When Ms. Brann contacted the campaign about this expenditure, the campaign provided proof from Erikson Communications that the \$10,000 service was approved on October 29.

Ultimately, whether this is considered as a substantially incomplete 42-Day Pre-General Report or a late filed 24-Hour Report, this is a filing violation, and the passage of time has increased the preliminary penalty to the maximum allowable amount.

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.

The Commission staff recommends reducing Senator Rafferty's penalty to \$300. None of the mitigating circumstances listed in 21-A M.R.S. § 1020-A(2) are present in this matter, but the preliminary penalty of \$5,000 is disproportionately high relative to the degree of public harm. The Commission regularly finds a violation and assesses a penalty even when a candidate has failed to file a campaign finance report for good faith reasons in order to underscore the importance of filing reports on time. Balancing the lack of mitigating circumstances set out in 21-A M.R.S. § 1020-A(2), the clear notice to candidates to file 24-Hour Reports, and the proportionality factors of public harm, we believe \$300 is an appropriate penalty for this violation.

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. In 2024, Sen. Rafferty had a well-intentioned treasurer with experience as a local party committee treasurer, but she may have been unaware of the duty to disclose unpaid debts or obligations. Commission staff continues 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.

January 9, 2025

Jonathan Wayne  
Executive Director  
Maine Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333-0135

**RE: Joe Rafferty Senate Campaign – Penalty Waiver Request**

Dear Mr. Wayne:

On behalf of my campaign, I write to request a waiver of the preliminary penalty issued by the Commission staff for filing a 24-hour report late. While my campaign takes full responsibility for failing to file an expenditure during the 42-Day Pre-General Reporting Period, this is not a case of a late 24-Hour Report. In addition, no harm was done to the public, and my campaign made a good-faith effort to report our finances transparently. I also suggest that the scope of the penalty is disproportionate to the size of the campaign.

**FACTUAL SUMMARY**

Below is a factual summary which indicates

- 1) This is my third campaign for the Maine Senate. During each campaign, I have worked with Erickson Communication Group (hereafter referred to as “ECG”) to produce and execute digital advertisements. My plan was always to work with ECG for this campaign.
- 2) On 8/19/24, I participated in a video shoot with the staff from ECG. As such, on this date, I had an implied agreement to work with ECG to cover digital ads. I did not sign a contract. ECG customarily does not bill upfront, as they subcontract with other vendors.
- 3) According to 21-A M.R.S. § 1012 (3-A)(2)), a campaign “expenditure” can include a “contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure.” As such, I had an implied agreement with ECG on 8/19/24 to produce and distribute digital ads. The expenditure that is the subject of this inquiry, a \$10,000 payment, represents an extension of that original expenditure, which had occurred on 8/19/24.
- 4) My campaign takes responsibility for not including an expenditure to ECG on the 42-Day Pre-General Campaign Finance Report dated 8/19/24 with a dollar amount that we would have

subsequently amended. We should have amended this original expenditure with the \$10,558.00 and the \$10,000 invoice from ECG. These two payments cover the entire digital ad program my campaign always intended to run. That said, this is not a case of a late 24-hour Report.

### **FINANCIAL HARDSHIP**

I am a career public educator and public servant. A find of this nature would cause financial hardship to my family. I do not have the personal funds to cover this fine. I have already returned \$3,013.91 of unspent Clean Elections funds. Unlike a traditionally-financed politician, I cannot raise funds to cover this fine. Given all of the mitigating factors listed above, I request that the Maine Ethics Commission waive this penalty and allow my campaign to amend the 42-Day Pre-General Campaign Finance report. If a penalty is assessed, I request that my returned Clean Elections funding be allocated towards that penalty.

Sincerely,

Senator Joseph E. Rafferty

**From:**  
**Bcc:**

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

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## **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*

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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 18<sup>th</sup>. Bridget needs to file the 11-Day Pre-General Report on October 25<sup>th</sup> 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 22<sup>ND</sup> 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

Phone: (207) 287-4727

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## 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"><li>• Filed within 24 hours of receiving the contribution or making the expenditure or obligation.</li><li>• 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"><li>• Filed online.</li></ul></li><li>• Contributions and expenditures received or made on the day before an election must be reported on election day.</li></ul>			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 <b>5:00 p.m.</b> )	Date of first seed money contribution – date of certification request <b>OR</b> <u>*Candidates who filed a Semiannual Report</u> : 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 <b>5:00 p.m.</b> )	Beginning of campaign – date of certification request	08/21/2024

42-Day Pre-General	07/17/2024 – 09/17/2024	09/24/2024
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*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](http://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!**

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**If you need assistance, please contact your Candidate Registrar:**

Erin Gordon: [erin.gordon@maine.gov](mailto: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](mailto:lorrie.j.brann@maine.gov) | (207) 287-4727  
House 77-151, Senate 18-35  
Androscoggin, Cumberland, Franklin, Kennebec,  
Lincoln, Oxford, Sagadahoc, and York counties



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

## 2024 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER
Mr. Joseph E Rafferty, Jr. 49 Middle Rd Kennebunk, ME 04043 PHONE: (207) 590-9902 EMAIL: coachjoerafferty@gmail.com		Suellen J Goodman PO Box 115 Kennebunk, ME 04043 PHONE: EMAIL: sjsg59@mac.com
REPORT	DUE DATE	REPORTING PERIOD
42-Day Post-General Report	12/17/2024	10/23/2024 - 12/10/2024

### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$13,262.11	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,277.27
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$64,755.98
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$10,248.20	\$63,019.34
7. CASH BALANCE AT CLOSE OF PERIOD	\$3,013.91	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Suellen J Goodman  
 REPORT FILED ON: 12/15/2024 9:03:53 PM  
 LAST MODIFIED:  
 COMMITTEE ID: 487323

**SCHEDULE B  
EXPENDITURES**

EXPENDITURE TYPES					
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.		
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)		
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)		
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)		
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data		
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)		
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)		
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees		
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs		
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)		
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)		
DATE OF EXPENDITURE	PAYEE	REMARK		TYPE	AMOUNT
11/20/2024	Erikson Communication Group 157 Park Road Suite 102 Brunswick, ME, 04011	Digital advertising		ONL	\$10,000.00
12/6/2024	US Postal Service 176 Alfred Rd W Kennebunk, ME, 04094	Postage for thank you cards, letters.		POS	\$248.20
TOTAL EXPENDITURES FOR CANDIDATE:					\$10,248.20

**From:** [Brann, Lorrie J](#)  
**To:** [Suellen Goodman](#)  
**Cc:** [coachjoerafferty@gmail.com](mailto:coachjoerafferty@gmail.com)  
**Subject:** RE: 42-Day Post-General Report  
**Date:** Monday, December 23, 2024 9:39:00 AM

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Good morning Suellen:

Due to the system not accurately reflecting the filing of the 24-Hour Report, I deleted the expenditure, re-entered it as a Debt, filed the 24-Hour Report, entered the payment on the Debt & refiled the 42-Day Post-General Report.

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

Have a wonderful holiday season!

*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

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**From:** Suellen Goodman <[sjsg59@mac.com](mailto:sjsg59@mac.com)>  
**Sent:** Friday, December 20, 2024 9:19 AM  
**To:** Brann, Lorrie J <[Lorrie.J.Brann@maine.gov](mailto:Lorrie.J.Brann@maine.gov)>  
**Cc:** [coachjoerafferty@gmail.com](mailto:coachjoerafferty@gmail.com)  
**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 just refilled. Would you please let me know if we are all set?

Suellen Goodman

Sent from my iPhone



On Dec 19, 2024, at 8:18 AM, Brann, Lorrie J <[Lorrie.J.Brann@maine.gov](mailto:Lorrie.J.Brann@maine.gov)> wrote:

Good morning Sue:

The invoice date is not necessarily the approval date. Please double check your records (emails or other types of contact) to see when the service was started and/or approved. If 10/29 is the approval date, when you correct the expenditure, it will trigger a 24-Hour Report that should have been filed 51 days ago. So, again, please check your records!

Here are the steps to correct the reporting of this expenditure:

1. Delete the Erikson expenditure
2. Enter it as a Debt with the date of approval as the expenditure date
3. Refile the affected report
4. Enter the payment of 11/20 on the Debt
5. Refile the 42-Day Post-General Report

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

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:** Suellen Goodman <[sjsg59@mac.com](mailto:sjsg59@mac.com)>

**Sent:** Wednesday, December 18, 2024 10:03 PM

**To:** Brann, Lorrie J <[Lorrie.J.Brann@maine.gov](mailto:Lorrie.J.Brann@maine.gov)>

**Cc:** [coachjoerafferty@gmail.com](mailto:coachjoerafferty@gmail.com)

**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,

This invoice was dated 10/29, with a due date of 11/10. It was paid on 11/20.  
Please let me know how to fix this entry, thank you!

Suellen Goodman.  
Sent from my iPhone

On Dec 16, 2024, at 7:57 AM, Brann, Lorrie J  
<[Lorrie.J.Brann@maine.gov](mailto:Lorrie.J.Brann@maine.gov)> wrote:

Good morning Joe:

I reviewed your 42-Day Post-General Report and you will need  
to correct the following expenditure:

11/20	Erikson Communication Group	Digital
advertising	\$10,000	

This is not a post-election expenditure. What is the date you  
approved this expenditure? Is it part of the 10/15 Erikson  
Communication Group expenditure?

Once the above questions are answered, I will be able to tell  
you 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



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## 2024 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER
Mr. Joseph E Rafferty, Jr. 49 Middle Rd Kennebunk, ME 04043 PHONE: (207) 590-9902 EMAIL: coachjoerafferty@gmail.com		Suellen J Goodman PO Box 115 Kennebunk, ME 04043 PHONE: EMAIL: sjsg59@mac.com
REPORT	DUE DATE	REPORTING PERIOD
42-Day Post-General Report	12/17/2024	10/23/2024 - 12/10/2024

#### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$13,262.11	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,277.27
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$0.00	\$64,755.98
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$10,248.20	\$63,019.34
7. CASH BALANCE AT CLOSE OF PERIOD	\$3,013.91	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

I, Suellen J Goodman, 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 Suellen J Goodman  
 REPORT FILED ON: 12/15/2024 9:03:53 PM  
 LAST MODIFIED: 12/23/2024 7:20:42 AM  
 COMMITTEE ID: 487323

## SCHEDULE B EXPENDITURES

EXPENDITURE TYPES					
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.		
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)		
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)		
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)		
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data		
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)		
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)		
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees		
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs		
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)		
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)		
DATE OF EXPENDITURE	PAYEE	REMARK		TYPE	AMOUNT
10/29/2024	<del>Erikson Communication Group</del> <del>157 Park Road</del> <del>Suite 102</del> <del>Brunswick, ME, 04011</del>	Digital advertising		ONL	<del>\$10,000.00</del>  DELETED 12/23/2024
11/20/2024	Erikson Communication Group 157 Park Road Suite 102 Brunswick, ME, 04011	Debt Payment  Digital advertising		ONL	\$10,000.00
12/6/2024	US Postal Service 176 Alfred Rd W Kennebunk, ME, 04094	Postage for thank you cards, letters.		POS	\$248.20
TOTAL EXPENDITURES FOR CANDIDATE:					\$10,248.20



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 Phone: 207-287-4179  
 Fax: 207-287-6775

## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

### 2024 CAMPAIGN YEAR

COMMITTEE		TREASURER
Mr. Joseph E Rafferty, Jr. 49 Middle Rd Kennebunk, ME 04043 PHONE:(207) 590-9902 EMAIL: coachjoerafferty@gmail.com		Suellen J Goodman PO Box 115 Kennebunk, ME 04043 PHONE:(207) 710-7603 EMAIL: sjsg59@mac.com
REPORT	DUE DATE	REPORTING PERIOD
24 Hour Report of Contributions and Expenditures	10/30/2024	10/29/2024-10/29/2024

### FINANCIAL ACTIVITY SUMMARY

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

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

REPORT FILED BY: Suellen J Goodman  
 REPORT FILED ON: 12/20/2024 9:17:49 AM  
 LAST MODIFIED:  
 COMMITTEE ID: 487323

**From:** [Sylvia de Boer](#)  
**To:** [Brann, Lorrie J](#)  
**Cc:** [sjsq59@me.com](mailto:sjsq59@me.com)  
**Subject:** Fwd: Expenditure-final digital  
**Date:** Monday, December 23, 2024 1:13:31 PM

---

**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 hope all is well! Here is the response regarding the approval date for the final \$10,000 digital expenditure for Joe Rafferty. I've copied Senator Rafferty's treasurer here, so let us know what further action needs to be taken. I'm happy to jump on the phone if it would be helpful to talk things through that way.

Thank you so much!

Sylvia

Sylvia de Boer (she/hers)  
Maine Senate Democratic Campaign Committee  
Candidate Campaigns Manager  
Cell: (513) 280-0433

----- Forwarded message -----

**From:** Edward Erikson <[edward.erikson@gmail.com](mailto:edward.erikson@gmail.com)>  
**Date:** Mon, Dec 23, 2024 at 9:45 AM  
**Subject:** Re: Expenditure-final digital  
**To:** Sylvia de Boer <[sylvia@mainesdcc.com](mailto:sylvia@mainesdcc.com)>  
**CC:** Joe Rafferty <[coachjoerafferty@gmail.com](mailto:coachjoerafferty@gmail.com)>, Goodman, Suellen <[sgoodman1@mtb.com](mailto:sgoodman1@mtb.com)>

This was approved on Tuesday, October 29 -- thank you!

On Mon, Dec 23, 2024 at 12:33 PM Sylvia de Boer <[sylvia@mainesdcc.com](mailto:sylvia@mainesdcc.com)> wrote:  
Hi Ed!

I hope all is well! I was hoping to see if you could let us know when Senator Rafferty approved the last \$10,000 expenditure for digital.

Thank you so much!

Sylvia

Sylvia de Boer (she/hers)  
Maine Senate Democratic Campaign Committee

Candidate Campaigns Manager  
Cell: (513) 280-0433



Commission on Governmental Ethics and Election Practices  
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## 24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

### 2024 CAMPAIGN YEAR

COMMITTEE		TREASURER
Mr. Joseph E Rafferty, Jr. 49 Middle Rd Kennebunk, ME 04043 PHONE:(207) 590-9902 EMAIL: coachjoerafferty@gmail.com		Suellen J Goodman PO Box 115 Kennebunk, ME 04043 PHONE:(207) 710-7603 EMAIL: sjsg59@mac.com
REPORT	DUE DATE	REPORTING PERIOD
24 Hour Report of Contributions and Expenditures	10/30/2024	10/29/2024-10/29/2024

### FINANCIAL ACTIVITY SUMMARY

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

I, Suellen J Goodman, 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 Suellen J Goodman  
 REPORT FILED ON: 12/20/2024 12:00:00 AM  
 LAST MODIFIED:  
 COMMITTEE ID: 487323



**24-HOUR DEBT INFORMATION**

DATE OF OBLIGATION	CREDITOR	DESCRIPTION	AMOUNT
10/29/2024	Erikson Communication Group 157 Park Road Suite 102 Brunswick, ME, 04011	Social media and online advertising only	\$10,000.00
TOTAL 24 HOUR DEBTS			\$10,000.00



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## 2024 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER
Mr. Joseph E Rafferty, Jr. 49 Middle Rd Kennebunk, ME 04043 PHONE:(207) 590-9902 EMAIL: coachjoerafferty@gmail.com		Suellen J Goodman PO BOX 115 Kennebunk, ME 04043 PHONE: EMAIL: sjsg59@mac.com
REPORT	DUE DATE	REPORTING PERIOD
42-Day Pre-General Report	09/24/2024	07/17/2024 - 09/17/2024

#### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$45,450.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,277.27
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$12,450.00	\$58,530.98
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$2,414.19	\$4,322.44
7. CASH BALANCE AT CLOSE OF PERIOD	\$55,485.81	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Suellen J Goodman  
REPORT FILED ON: 9/22/2024 3:00:48 PM  
LAST MODIFIED:  
COMMITTEE ID: 487323

## SCHEDULE A CASH CONTRIBUTIONS

- For contributors who gave more than \$50, the names, address, occupation, and employer must be reported. If "information requested" is listed instead of occupation and employer, the candidate is waiting to receive that information.
- Cash contributions of \$50 or less can be added together and reported as a lump sum.
- Contributor Types

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	EMPLOYER AND OCCUPATION	TYPE	AMOUNT
8/15/2024	MCEA Payment	Supplemental Payment #4	15	\$6,225.00
9/17/2024	MCEA Payment	Supplemental Payment #5	15	\$6,225.00
<b>TOTAL CASH CONTRIBUTIONS</b>				<b>\$12,450.00</b>

## SCHEDULE B EXPENDITURES

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
8/5/2024	US Postal Service 176 Alfred Rd W Kennebunk, ME, 04094	Postage	POS	\$56.00
8/6/2024	US Postal Service 176 Alfred Rd W Kennebunk, ME, 04094	Postage	POS	\$56.00
9/5/2024	Dale Rand Printing 508 Riverside St Suite A Portland, ME, 04103	Campaign Lawn Signs	LIT	\$1,502.19
9/12/2024	Olive and Pine Photography 77 Thurlow Rd Lincolnville, ME, 04849	Photography Session	PRO	\$800.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$2,414.19

## Commission Penalty Decisions - Candidates

Candidate	Late Report/Other Violation	Preliminary Penalty	Final Penalty	Commission Meeting Date
<b>Legislative and County candidates</b>				
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
<b>Candidates for Governor</b>				
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

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### 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

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**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**

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**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.