



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 27, 2024  
 Re: Cumberland County Republican Committee – Waiver Request

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The Cumberland County Republican Committee (“CCRC”) was required to file a 2-Day Pre-General Independent Expenditure (IE) Report no later than October 20, 2024, but filed the report five days late on October 25. CCRC seeks a waiver of the \$382.50 preliminary penalty.

**LEGAL REQUIREMENTS**

Any person, party committee, political committee or political action committee that makes any independent expenditure more than \$250 per candidate must file a report within 2 days from the 60<sup>th</sup> day through the 14<sup>th</sup> day before an election. 21-A M.R.S. § 1019-B(4). 94-270 C.M.R. Ch. 1 § 10(3)(B)(2). If a person is late in filing the report, the amount of the penalty is set 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).

**DISCUSSION AND STAFF RECOMMENDATION**

Mr. Michael Hall has been CCRC’s treasurer since May 2023; this is his first election cycle. The IE subject to this penalty is his first late filed report, and first additional report (24-Hour or IE) that the committee was required to file.

Based on the statutory formula for calculating late-filing penalties, the preliminary penalty amount is \$382.50, calculated as follows:

Report	Deadline	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
2-Day Pre-General IE Report	10/20/2024	\$3,825	2%	5	\$382.50

CCRC seeks a waiver of the penalty because theirs is a voluntary organization whose members lack professional experience that contributed to the late filing. Mr. Hall's request for a waiver acknowledges the importance of the IE filings to the public but asks your consideration of a waiver due to his lack of experience coupled with the minimal amount of harm to the public. Additionally, the committee has since taken steps to prevent future late filings.

IE reports are considered essential for public awareness prior to general elections. Without these reports, any interested member of the press, public, or candidate campaigns would need to wade through thousands of transactions on reports covering greater lengths of time, to determine if any committees have spent money on communications to the public to influence candidate elections.

The Commission has a history of reducing late filing penalties against local party committees, recognizing that they rely on volunteers who frequently turn over. No waiver requests have been made for late IEs by party committees in recent years. Typically, PACs and state party committees are more active with IEs. When local party committees have filed regularly scheduled campaign finance reports late, the Commission has often reduced the penalties to \$100. Commission staff understand this was a bona fide mistake by CCRC and recommend reducing the penalty for this late IE report to \$100.

November 12, 2024

Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333-0135  
Phone: (207) 287-4179

Commission on Governmental Ethics and Election Practices

Subject: Appeal for Waiver of Late Filing Penalty for 11-Day Pre-General Independent Expenditure Report

I am writing on behalf of the Cumberland County Republican Committee to formally appeal the penalty assessed for the late filing of our 11-Day Pre-General Independent Expenditure Report, which was due on October 20, 2024, and filed on October 25, 2024. We respectfully request a waiver of the \$382.50 penalty on the grounds that it is disproportionate, given the circumstances of our committee's filing and the experience level of our treasurer.

As a volunteer organization, our committee relies on individuals who generously donate their time and effort, rather than professional expertise, to fulfill critical administrative duties. Our treasurer, who manages multiple responsibilities for the committee, is not a professional accountant or filing specialist. This lack of professional experience contributed to the delay in meeting the filing deadline despite a sincere commitment to compliance with all election regulations.

We acknowledge the importance of timely financial disclosures and understand the role of these requirements in promoting transparency. However, we believe that the penalty assessed in this instance is not commensurate with our treasurer's level of experience, nor does it reflect any significant harm to the public interest from the short delay.

We respectfully request that the Commission consider this context and grant a waiver of the penalty. We have also taken steps to prevent future late filings, including setting up additional reminders and providing further support to our treasurer.

I appreciate your consideration of our appeal. We appreciate the Commission's work in maintaining fair and transparent election practices and look forward to resolving this matter amicably.

Sincerely,

Michael Hall

Treasurer

Cumberland County Republican Committee

207-409-2242



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 INDEPENDENT EXPENDITURE REPORT

COMMITTEE		TREASURER
Cumberland County Republican Committee 54 Anderson Road Windham, ME 04062 PHONE: (207) 409-2242 EMAIL: mhall73341@gmail.com		Michael Hall 54 Anderson Road Windham, ME 04062 PHONE:(207) 409-2242 EMAIL: mhall73341@gmail.com
REPORT	DUE DATE	REPORTING PERIOD
2-Day Pre-General Independent Expenditure Report	10/20/2024	10/18/2024-10/18/2024

### FINANCIAL ACTIVITY SUMMARY

EXPENDITURES	
Total independent expenditures greater than \$250 per candidate	\$3,825.00
Total independent expenditures of \$250 or less per candidate	\$0.00
Total independent expenditures for all candidates	\$3,825.00

### AFFIRMATION

I, Michael Hall affirm that each of the expenditures listed in this report was made independently of, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate(s) named or in a race affected by any expenditure in the report, the political committee of the candidate(s), or their agents.

Unsworn falsification is a Class D crime. 17-A M.R.S. § 453

REPORT FILED BY: Michael Hall  
REPORT FILED ON: 10/25/2024 2:38:32 PM  
LAST MODIFIED:  
COMMITTEE ID: 793  
REPORT NUMBER: 35962

**SCHEDULE B-IE-1  
CANDIDATE(S) SUPPORTED/OPOSED**

<b>Expenditure Date</b>	<b>Support / Oppose</b>	<b>Candidate Name</b>	<b>Office</b>	<b>District / County</b>	<b>Payee</b>	<b>Expenditure Amount</b>
10/18/2024	SUPPORT	Hon. Barbara A Bagshaw	Representative	106	FACEBOOK	\$375.00
10/18/2024	SUPPORT	Mr. Mark C Cooper	Representative	107	FACEBOOK	\$750.00
10/18/2024	SUPPORT	Mr. Donald R Hamill	Senator	30	FACEBOOK	\$750.00
10/18/2024	SUPPORT	Mr. Kenneth James Cianchette	Senator	26	FACEBOOK	\$275.00
10/18/2024	SUPPORT	Mr. Rolf Arthur Olsen, Jr.	Representative	86	FACEBOOK	\$750.00
10/18/2024	SUPPORT	Ms. Marygrace Caroline Cimino	Representative	83	FACEBOOK	\$275.00
10/18/2024	SUPPORT	Hon. Susan M Austin	Representative	105	FACEBOOK	\$275.00
10/18/2024	SUPPORT	Mr. Scott W Jordan	Representative	110	FACEBOOK	\$375.00
<b>Total itemized independent expenditures greater than \$250 per candidate</b>						\$3,825.00
<b>Total unitemized independent expenditures of \$250 or less per candidate</b>						\$0.00
<b>Total independent expenditures for all candidates</b>						\$3,825.00

**SCHEDULE B-IE-2  
EXPENDITURES**

<b>EXPENDITURE TYPES</b>				
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.)	
<b>Date of expenditure</b>	<b>Payee</b>	<b>Remark</b>	<b>Expenditure type</b>	<b>Net Amount</b>
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$275.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$750.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$275.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$750.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$275.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	375	ONL	\$375.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$750.00
10/18/2024	FACEBOOK 1 HACKER WAY MENLO PARK, CA, 94025	Facebook Ad	ONL	\$375.00
<b>Total Expenditure</b>				<b>\$3,825.00</b>



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

**Sent via Email and US Mail**

October 29, 2024

Michael Hall, Treasurer  
Cumberland County Republican Committee  
54 Anderson Road  
Windham, ME 04062

Re: Notice of Late Filing of 2-Day Pre-General Independent Expenditure Report and Preliminary Penalty

Dear Mr. Hall:

The Commission on Governmental Ethics and Election Practices (the "Commission") staff finds that the Cumberland County Republican Committee (the "committee") was late in filing its 11-Day Pre-General Independent Expenditure Report (the "report"). Although the report was due by 11:59 p.m. on October 20, 2024, it was not filed until October 25, 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 \$76.50 (see calculation matrix on next page). Please note that if between the date of this notice and December 31, 2025, the committee files another report that is late, the penalty percentage increases from 2% to 4%.

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 "Heidi Hoefler".

Heidi Hoefler  
Political Committee & Lobbyist Registrar

**Committee Name:** Cumberland County Republican Committee  
**Prior Violations:** 0

<b>Report Name</b>	<b>Activity Amount</b>	<b>Due Date</b>	<b>Days Late</b>	<b>Penalty Rate</b>	<b>Penalty</b>
2024 2-Day Pre-General IE	\$3825.00	10/20/2024	5	2%	\$382.50

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 penalty 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](http://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
<b>Waiver Requests</b>				
Unite Portland PAC ( <i>Municipal</i> )	Late IE Report	\$5,000.00	\$1,250.00	12/18/19
Unite Portland PAC ( <i>Municipal</i> )	Late IE Report	\$2,052.16	\$750.00	12/18/19
<b>Waiver Requests</b>				
Women's Leadership Fund PAC	Late IE Report	\$100.00	\$50.00	08/11/20
<b>Waiver Requests</b>				
American Leadership Committee-Maine PAC	Late IE report Oct. Quarterly Report	\$679.88	\$679.88	11/30/22
Planned Parenthood Maine Action Fund	Late IE report	\$2,433.60	\$750.00	11/30/22
We the People PAC	Late IE report	\$5,000.00	\$1,000.00	11/30/22
We the People PAC	Late IE report	\$99.96	\$99.96	11/30/22
Steve LaFreniere	Late IE Report	\$1,090.00	\$200.00	12/21/22
York Voter Alliance	Late IE report	\$672.61	\$200.00	12/21/22
<b>Waiver Requests</b>				
Planned Parenthood Maine Action Fund	Late IE Report	\$734	\$400.00	05/29/24
Maine Labor Climate PAC	Late 60-Day Pre-General IE Report	\$534.44	\$400.00	09/25/24
Bright Future Maine PAC	Late 2-Day Pre-Primary IE	\$6,411.30	\$375.00	09/25/24

## 21-A M.R.S. § 1019-B. Reports of independent expenditures

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**1. Independent expenditures; definition.** For the purposes of this section, an “independent expenditure” means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized political committee or an agent of either and that:

**A.** Is made to design, produce or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or

**B.** Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of the candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 28 days, including election day, before a primary election; during the 35 days, including election day, before a special election; or from Labor Day to a general election day.

**2. Commission determination.** A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with a purpose of influencing the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it determines relevant and material. The commission shall determine by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate. In order to make this determination, the commission shall consider whether the language and other elements of the communication would lead a reasonable person to conclude that the communication had a purpose of, or had the effect of, influencing an election. The commission may consider other factors, including, but not limited to, the timing of the communication, the recipients of the communication or, if the communication is a digital communication, any links to publicly accessible websites related to the nomination, election or defeat of a candidate. The commission’s executive director shall make an initial determination on the request, which must be posted on the commission’s publicly accessible website. Any person may appeal the initial determination, which must be considered by the commission at the next public meeting that is feasible.

**3. Report required; content; rules.** [PL 2009, c. 524, §6 (RPR); MRSA T. 21-A §1019-B, sub-§3 (RP).]

**4. Report required; content; rules.** A person, party committee or political action committee that makes any independent expenditure in excess of \$250 during any one candidate’s election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

**A.** A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**B.** A report required by this subsection must contain an itemized account of each expenditure in excess of \$250 in any one candidate’s election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of unsworn falsification, as provided in Title 17-A, section 453, a statement whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

**C.** A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the

pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically.

**5. Exclusions.** An independent expenditure does not include:

- A.** [PL 2021, c. 132, §9 (RP).]
- B.** A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- C.** A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- D.** A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

## **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. Basis for penalties.** [MRSA T. 21-A §1020-A, sub-§4 (RP).]

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

- A.** For the first violation, 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. Maximum penalties.** [MRSA T. 21-A §1020-A, sub-§5 (RP).]

**5-A. Maximum penalties.** Penalties assessed under this subchapter may not exceed:

**A.** Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, 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.

**E.** [PL 2011, c. 558, §5 (RP).]

**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.

## ETHICS COMMISSON RULES, 94-270 C.M.R. ch. 1, § 1(10)

### SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$250 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
  - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
  - B. "Expressly advocate" means any communication that
    - (1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or
    - (2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.
  - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures in excess of \$250 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:
  - A. *[Repealed]*
  - B. *[Repealed]*
    - (1) **60-Day Pre-Election Report.** A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.
    - (2) **Two-Day Report.** From the 60<sup>th</sup> day through the 14<sup>th</sup> day before an election, a report must be filed within two calendar days of the expenditure.
    - (3) **One-Day Report.** After the 14<sup>th</sup> day before an election, a report must be filed within one calendar day of the expenditure.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday,

or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

- C. Reports must contain information as required by Title 21-A, chapter 13, subchapter II (§§ 1016-1017-A), and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
- D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.

...