



Minutes of the July 25, 2018, Meeting of the
Commission on Governmental Ethics and Election Practices
45 Memorial Circle, Augusta, Maine

Present: William A. Lee III, Esq., Chair; Hon. Richard A. Nass; Meri N. Lowry, Esq.; Bradford A. Pattershall, Esq.

Staff: Jonathan Wayne, Executive Director; Phyllis Gardiner, Counsel

Mr. Lee convened the meeting at 9:03 a.m.

1. Ratification of Minutes of May 30, 2018 Meeting

Mr. Nass requested the following change on page 3 – replacing “Mr. Lee said the Commission did not believe she was being deceitful” with “Mr. Lee stated that he did not believe she was being deceitful.” Mr. Lee made a motion to accept the minutes as amended. Mr. Nass seconded. The motion passed (4-0).

First Executive Session

Mr. Nass moved that pursuant to Title 1 of the Maine Revised Statutes, section 405(4), the Commission go into executive session pursuant to Title 1, section 405(6)(E) and Chapter 1, section 5(2) of the Commission rules to consult with the Commission’s counsel concerning pending or contemplated litigation. Mr. Pattershall seconded. The motion passed (4-0).

Mr. Lee moved to come out of executive session. Ms. Lowry seconded. The motion passed (4-0).

3. Request for Waiver of Later-Filing Penalty – Rep. Heather Sanborn

Mr. Nass made a motion to take Ms. Sanborn’s matter out of order which was seconded by Mr. Pattershall and passed unanimously (4-0).

Ms. Lowry recused herself from participating in this matter as she had made a contribution to the candidate’s campaign. Ms. Lowry left the meeting room while this matter was under consideration.

Mr. Wayne said Representative Sanborn is running for Senate District 28 and was in a contested primary election for the Democratic nomination. On May 16, 2018, she ordered campaign literature and agreed to pay the vendor \$4,514. When she filed her June 1st report, she correctly reported a debt owed to the vendor. Three days later, on June 4th, she paid the vendor. The debt payment was made within the 24-hour reporting period, which is the 13 days before an election when a candidate is required to file a special accelerated report of expenditures of \$1,000 or more. Rep. Sanborn did not file a 24-hour report. The staff's view is that even though Rep. Sanborn had reported the debt in the June 1st report, she was required to file a 24-hour report on June 5th reporting the payment to the vendor. Rep. Sanborn disagrees with the staff's interpretation. The preliminary penalty for the late-filed 24-hour report is \$1,073. Rep. Sanborn requested a waiver of the penalty. The staff's recommendation is to reduce the penalty to \$300. Rep. Sanborn addressed the Commission and said that she did not believe a 24-hour report was required because the expenditure had already been disclosed in a report. The public as well as her opponent had access to the information that she had purchased three mailers, two of which had been paid for and one had not. Referring to the Commission's rules and candidate guidebook, Rep. Sanborn maintained that she disclosed the expenditure as the statute, rule, and guidebook dictate. When she reported the purchase of the mailers, including the debt for one of the mailers, on her June 1st report, she satisfied the statutory reporting requirement as she understood it. The debt payment on June 4th was not another expenditure that should trigger a 24-hour report. Rep. Sanborn said she is requesting a full waiver of the penalty and a finding that she was in compliance with the reporting statutes and rules. She said if she were to receive a penalty, it should be greatly reduced from the \$300 staff recommendation. The public and her opponent already had the information regarding the expenditure well before the election. She acted in good faith in believing the debt payment did not need to be reported a second time in a 24-hour report. She also said that after reviewing the penalties imposed on candidates in previous elections, her penalty seemed higher and unfair.

Mr. Lee explained that this is the first election cycle in which the revised penalty standard is being implemented after changes were made to campaign finance laws by the 2015 citizen initiative. Rep. Sanborn's matter is one of the first cases, if not the first, involving a late-filed report by a candidate to be considered under this new standard.

Mr. Nass said while he has concerns about redundant reporting, there are people who focus on the 24-hour reports during the lead-up to an election and they may not refer to the reports filed earlier. So the information in 24-hour reports may be the only information they see.

In response to a question from Mr. Pattershall, Mr. Wayne said the additional information contained in the 24-hour report is the fact that the campaign actually paid the debt and those funds are no longer available to the candidate. He said if a candidate incurs a debt and pays the debt in the same reporting period, the candidate only has to report the payment, not the debt. It is different if the debt and the payment occur in different reporting periods. He said if reporting the debt once when it was incurred satisfied the reporting requirement, then it would follow that it would not be necessary to report the payment in a subsequent report. However, Mr. Wayne said Rep. Sanborn acknowledges that the payment of the debt does have to be reported as an expenditure in the post-election report. The question is why is it not an expenditure for purposes of the 24-hour reporting requirement.

Mr. Nass said the Legislature established the 24-hour reporting system to create a separate type of report in addition to regular campaign finance reports. The purpose was to quickly disclose substantial campaign activity in the days leading up to an election. He supported the \$300 penalty recommended by the staff.

Joshua Tardy, Esq., appeared before the Commission, not on behalf of a client but as an attorney who represents clients before the Commission. He said he agreed with Rep. Sanborn's and Kate Knox's analysis and interpretation of the statute and rule. He said the fact that nearly one-third of candidates audited in 2016 misinterpreted the definition of expenditure and did not report debts when they were incurred is a significant indication of the level of confusion regarding debts. In this case, there was no harm to the public. He did not think the Commission had to find a violation in this matter, but if they do the penalty should be one dollar.

Mr. Pattershall did not support finding a violation. He said the guidance about reporting debts and payments in a 24-hour report is poor. He said even if the guidance had been better, he would still consider Rep. Sanborn in compliance with the statutes and the rules.

Mr. Lee said that having heard Rep. Sanborn's argument and discussing the issues with the other Commissioners, he was now inclined to agree with Mr. Pattershall and find no violation. He said that, if the guidance given to candidates had been clearer and addressed this specific situation, he may have decided differently.

Mr. Nass maintained that the Legislature created two different reporting systems and the payment of the previously reported debt should have been reported in a 24-hour report.

Mr. Pattershall made a motion to find no violation. Mr. Lee seconded. The motion passed (2-1, Mr. Nass opposed).

Responding to a question from Mr. Lee regarding improvements to the guidance and policy on 24-hour reporting, Mr. Wayne said it would be preferable for the Commission to decide what the policy should be for reporting debts and debt payments and suggested that the staff develop a proposed rule change to be presented to the Commission at a future meeting.

Ms. Lowry rejoined the meeting.

2. Update on Maine Clean Election Act Program

Mr. Wayne said the Commission was only able to pay out about 26% of the amount owed to the 128 candidates who qualified for supplemental payments in June due to the insufficient allotment remaining in the Maine Clean Election Fund in the last month of fiscal year 2018. The Commission owes more than \$1 million to candidates that it is unable to pay because of the negative allocation in the budget for the Maine Clean Election Fund for fiscal year 2019. This is due to a mistake in the 2018-2019 biennial budget bill. This issue is still under consideration by the Legislature and the staff is hopeful the Legislature will address the issue soon.

Mr. Wayne said there are two candidates, Marc Andre and Kathy Javner, who did not receive their initial payments for the general election because the results of their primary elections were not known when the disbursements to other candidates were being made. Terry Hayes is the only MCEA gubernatorial candidate and is owed \$259,000 and the uncertainty of whether she will receive those funds is very problematic for her campaign.

Mr. Wayne said the staff had invited candidates and other interested parties to offer comments on the question of whether the Commission has the legal authority to authorize MCEA candidates to accept private campaign contributions. The Commission may authorize candidates to do so if it finds there are insufficient funds to pay candidates. However, that is not quite the position the Commission is currently in. The Maine Clean Election Fund does have sufficient funds to pay candidates. The problem is that the Legislature has not given the Commission the budgetary authorization to make the payments.

In response to a question from Mr. Lee, Ms. Gardiner explained that the civil litigation brought by the Maine Citizens for Clean Elections and some candidates and contributors involves supplemental payments to candidates affected by the Governor's decision to not sign financial orders to increase the allotment in the Maine Clean Election Fund in June. The defendants in that case, the Governor and the Commissioner of the Department of Administrative and Financial Services, argued that the Commission could remedy the situation by allowing private fundraising and that it was reasonable to interpret the phrase "insufficient revenues" in the statute to mean unavailable funds due to the Governor not signing the financial orders. The plaintiffs argued that interpretation is not the plain reading of the statute. Ms. Gardiner said the court may be addressing this issue in its decision.

Marc Andre, the Republican candidate for House District 110, appeared before the Commission. He said he was in a contested primary election which he won by seven votes. His opponent requested a recount on June 19th. Because the Secretary of State's office was busy with processing the races subject to ranked choice voting, the final result of the recount was delayed until July 6th. Mr. Andre said he was the presumptive nominee on June 12th and should have received a payment for the general election soon after the primary. He stated his opponent in the general election is a MCEA candidate and has received funds and this put him at a huge disadvantage as he is unable to campaign without funds.

Mr. Lee asked if the staff had taken any steps to be prepared to pay the eventual winner after the recount. Mr. Wayne said the staff requested that the Office of the Controller cut two checks – one for Mr. Andre and one for his opponent, Jacob Imes – and hold those checks until the result of the recount was known. The Controller denied that request.

Mr. Nass inquired about the other candidate, Kathy Javner, who did not receive a payment for the general election. Mr. Wayne explained that Ms. Javner was also in a close primary election and the staff was waiting to see if that race would also be subject to a recount. As a result of an administrative error by the staff, Ms. Javner did not receive the initial payment.

Mr. Lee asked Ms. Gardiner if the pending litigation regarding the release of Maine Clean Election Funds could have an impact on Mr. Andre and Ms. Javner. Ms. Gardiner said if the court determines that the Governor did not have discretion to withhold distributions required to be made by statute, that decision could cover this situation because the distributions to Mr. Andre and Ms. Javner are required by statute. She said it was also possible there could be a

declaratory judgment that the distribution of funds was required but no injunction ordering the Governor to make the distributions. There have been prior court decisions stating the courts may not issue an injunction to the Governor.

Joshua Tardy, Esq., appeared before the Commission on behalf of the Senate Republican caucus. Mr. Tardy said the Commission could reasonably decide that the funds available to candidates are insufficient because they are unavailable for distribution, thereby allowing candidates to raise private funds for their campaigns. At some point the Commission will have to decide this issue but it does not need to decide today.

Robert Howe, on behalf of the Maine Citizens for Clean Elections (MCCE), appeared before the Commission. Mr. Howe explained the court case filed by MCCE was intended to address the issue that supplemental payments were not being distributed because of the Governor's refusal to sign the financial orders necessary to give the Commission access to the funds. MCCE's lawsuit did not address the issue of the negative allocation for fiscal year 2019, hoping that the Legislature would fix that problem. MCCE's position is that the law requires the Commission to find that there are insufficient funds in the Maine Clean Election Fund in order to allow MCEA candidates to raise private contributions. The Fund does have sufficient funds and the current situation does not change that. Mr. Howe said he agrees with Mr. Tardy that a decision should not be made today.

Jayne Crosby Giles, the Republican candidate for Senate District 11, appeared before the Commission. Ms. Giles expressed her concern that certain candidates had more access to information about the status of the discussions regarding clean election funding in the Legislature and, therefore, had a greater sense of urgency and collected more additional qualifying contributions than those candidates who did not have access to the same information. The result is that in some races there is a significant disparity between the clean election funding received by the candidates. She said her race was an example of that. Her opponent is currently the House Majority Leader and was eligible for all eight levels of supplemental payments, while Ms. Giles was eligible for three. Since the reduced supplemental payments have already been distributed to candidates, Ms. Giles said candidates should be allowed to raise private contributions in order to close the funding gap. Ms. Giles also said the fact that the Commission cannot access the funds means that there are insufficient funds and MCEA candidates should be able to raise private contributions.

Shawn Roderick, on behalf of the Senate Republicans, appeared before the Commission. Mr. Roderick said there are four replacement Senate Republican candidates who are running as MCEA candidates without knowing if the funds will be available. He has advised the candidates to follow the rules for being a MCEA candidate with respect to seed money contributions and qualifying contributions, and if there is no fix to the negative allocation issue, they can switch to traditionally funded candidates.

Second Executive Session

Mr. Lee moved that pursuant to Title 1 of the Maine Revised Statutes, section 405(4), the Commission go into executive session pursuant to Title 1, section 405(6)(E) and Chapter 1, section 5(2) of the Commission rules to consult with the Commission's counsel concerning pending or contemplated litigation. Mr. Nass seconded. The motion passed (4-0).

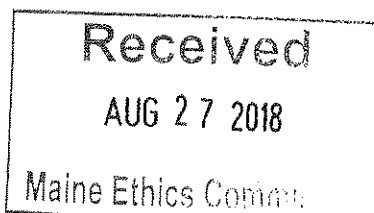
Mr. Lee moved to come out of Executive Session. Ms. Lowry seconded. The motion passed (4-0).

Mr. Nass made a motion to adjourn. Mr. Pattershall seconded. The motion passed (4-0).

The meeting adjourned at 12:30 p.m.

Respectfully submitted,
/s/ Jonathan Wayne
Jonathan Wayne, Executive Director

James S. Mundy
PO Box 249
South Berwick, ME 03908



August 24, 2018

State of Maine, Commission on
Governmental Ethics and Election Practices
135 State House Station
Augusta, ME

Re: Request for Waiver or Reduction of Penalty / Mark Lawrence Campaign

Dear Commissioners:

I am writing to request a reduction or waiver of the preliminary penalty determined by the Commission based on its finding that the 11-Day Pre-Primary Report was filed 53 days late. The basis for this request is that we made a good faith effort to comply with rules and that the resulting penalty is disproportionate to the overall size of the campaign and relative experience of its treasurer.

Our 11-Day Pre-Primary Report was substantially incomplete because it omitted expenditures made by the campaign manager that had not been reimbursed at the time of the report. After rereading the MCEA Expenditures Guidelines and Treasurers Guidance I now understand that any expenditures within the reporting period must be disclosed in the report, regardless of whether the party making the expenditure has been reimbursed.

Because the error was based on a mistaken belief about reporting reimbursements, it did not come to light until we filed the next report and were prompted to amend the previous report. That amounted in a 53-day delay and a preliminary penalty amount of \$1,739.73.

The preliminary penalty exceeds the total expenditures for that reporting period and represents a significant amount of the total campaign funds. While we understand that the 11-Day Pre-Primary Report was substantially incomplete, we are requesting a waiver or reduction of the penalty

Very Truly Yours,

A handwritten signature in dark ink, appearing to be "James S. Mundy", written in a cursive style.

James S. Mundy, Treasurer

August 9, 2018

Hon. Mark Lawrence
52 Wildbrook Lane
Eliot, Maine 03903

Re: Notice of Violation and Penalty for Late-Filed/Substantially Incomplete 11-Day Pre-Primary Report

Dear Rep. Lawrence:

You were required to file the 11-Day Pre-Primary Report on June 1, 2018 by 11:59 p.m., but the report was not substantially and completely filed until July 24, 2018. Your report is being considered late as it was substantially incomplete at the time of the original filing on June 1, 2018. Your originally filed 11-Day Pre-Primary Report reported no expenditures, and was amended on July 24, 2018 to report \$1,641.25 in expenditures. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$1,739.73. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether 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 to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-4727 or emma.burke@maine.gov if you have any questions.

Sincerely,

Emma Burke
Candidate Registrar

cc:

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Mark Lawrence			
Late-Filed Report: 11-Day Pre-Primary Report			
Contributions	\$0	Penalty Base Amount	\$1,641.25
Expenditures	\$1,641.25	Percentage	2%
Due Date	June 1, 2018	Daily Accrual Rate	\$32.83
Date Filed	July 24, 2018	Days Late	53
Previous Violations	0	Your Total Penalty	\$1,739.73

Payment Statement and Payment Options

From: Mark Lawrence

Penalty Amount: \$1,739.73

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



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

2018 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
Hon. Mark W Lawrence 52 Wildbrook Lane Eliot, ME, 03903 PHONE:(207) 475-4975 EMAIL: mark@marklawrence.org		James Mundy PO Box 157 South Berwick, ME, 03908 PHONE:(207) 384-2051 EMAIL: james@whitneymundy.com	
REPORT	DUE DATE	REPORTING PERIOD	
11-DAY PRE-PRIMARY REPORT	06/01/2018	04/21/2018 - 05/29/2018	

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$0.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,145.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$2,025.00	\$2,025.00
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)	\$1,641.25	\$2,786.25
7. CASH BALANCE AT CLOSE OF PERIOD	\$383.75	
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, James Mundy, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: James Mundy
 REPORT FILED ON: 07/24/2018
 LAST MODIFIED: 07/24/2018
 COMMITTEE ID: 5798

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
4/26/2018	MCEA Payment		15	\$2,025.00
TOTAL CASH CONTRIBUTIONS				\$2,025.00

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	CON	Contribution to other candidate, party, committee	
EQP	Equipment (office machines, furniture, cell phones, etc.)	FND	Fundraising events	
FOD	Food for campaign events, volunteers	LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	
MHS	Mail house (all services purchased)	OFF	Office supplies, phone and internet services, rent and utilities	
OTH	Other (bank fees, entrance fees, small tools, wood, etc.)	PHO	Phone banks, automated telephone calls	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Other professional services	PRT	Print media ads only (newspapers, magazines, etc.)	
RAD	Radio ads, production costs	SAL	Campaign workers' salaries and personnel costs	
TRV	Travel (fuel, mileage, lodging, etc.)	TVN	TV or cable ads, production costs	
WEB	Online advertising, website design, maintenance, hosting, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
5/12/2018	BJ's Wholesale Club 1801 WOODBURY AVENUE PORTSMOUTH, NH, 03801	Address labels purchased by Kathleen Marra; reimbursed 7/7/18.	OFF	\$31.97
5/12/2018	Staples 30 Tri City Road Somersworth, NH, 03878	Ink for printing campaign materials purchased by Kathleen Marra; reimbursed 7/7/18	OFF	\$107.99
5/12/2018	www.envelopes.com 5300 NEW HORIZONS BLVD. AMITYVILLE, NY, 11701	Envelopes for campaign mailings purchased by Kathleen Marra; reimbursed 7/7/18	OFF	\$139.25
5/18/2018	Staples 30 Tri City Road Somersworth, NH, 03878	office supplied purchased by Kathleen Marra; reimbursed on 7/7/18	OFF	\$9.08
5/18/2018	United States Postal Service 300 MAIN ST SOUTH BERWICK, ME, 03908	Postage for campaign mailings purchased by Kathleen Marra; reimbursed 7/7/18.	POS	\$1,200.00
5/26/2018	Staples 30 Tri City Road Somersworth, NH, 03878	Ink and paper purchased by Kathleen Marra; reimbursed 7/7/18.	OFF	\$127.98
5/28/2018	Staples 30 Tri City Road Somersworth, NH, 03878	Envelopes for campaign mailings purchased by Kathleen Marra; reimbursed on 7/7/18.	OFF	\$24.98
TOTAL EXPENDITURES FOR CANDIDATE:				\$1,641.25



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

2018 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER
Hon. Mark W Lawrence 52 Wildbrook Lane Eliot, ME 03903 PHONE: (207) 475-4975 EMAIL: mark@marklawrence.org		James Mundy PO Box 157 South Berwick, ME 03908 PHONE: (207) 384-2051 EMAIL: james@whitneymundy.com
REPORT	DUE DATE	REPORTING PERIOD
11-DAY PRE-PRIMARY REPORT	06/01/2018	04/21/2018 - 05/29/2018

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6. MINUS EXPENDITURES (SCHEDULE B)	\$0.00	\$1,145.00
7. CASH BALANCE AT CLOSE OF PERIOD	\$2,025.00	
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, James Mundy, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: James Mundy
 REPORT FILED ON: 06/01/2018
 LAST MODIFIED: 06/01/2018
 PRINTED: 07/01/2018
 COMMITTEE ID: 10367

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.
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DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
4/26/2018	MCEA Payment		15	\$2,025.00
TOTAL CASH CONTRIBUTIONS				\$2,025.00

not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election.

C. 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.

D. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the 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.


E. 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.

F. 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 E must be reported as provided in this paragraph. The treasurer of a candidate or political committee 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.

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election.

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

3. Other candidates. (REPEALED)

 **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. 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 a general 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.

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.

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

and the candidate's treasurer immediately upon notice of the candidate's and treasurer's appointments.

→ **5. Content.** A report required under this section must contain the itemized accounts of contributions received during that report filing period, including the date a contribution was received, and the name, address, occupation, principal place of business, if any, and the amount of the contribution of each person who has made a contribution or contributions aggregating in excess of \$50. The report must contain the itemized expenditures made or authorized during the report filing period, the date and purpose of each expenditure and the name of each payee and creditor and any refund that a payee has made to the candidate or an agent of the candidate. If the payee is a member of the candidate's household or immediate family, the candidate must disclose the candidate's relationship to the payee in a manner prescribed by the commission. The report must contain a statement of any loan to a candidate by a financial institution in connection with that candidate's candidacy that is made during the period covered by the report, whether or not the loan is defined as a contribution under section 1012, subsection 2, paragraph A. The candidate and the treasurer are jointly and severally responsible for the timely and accurate filing of each required report.

5-A. Valuation of contributions sold at auction. Any contribution received by a candidate that is later sold at auction must be reported in the following manner.

A. If the contribution is sold at auction before the commencement of the appropriate reporting period specified in subsections 2 to 4, or during that period, the value of the contribution is deemed to be the amount of the purchase price paid at auction.

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 2 to 4, the value of the contribution is the difference between the value of the contribution as originally reported by the treasurer and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of \$100 resulting from the difference between the auction price and the original contribution value must be reported in the same manner as provided in subsection 2, paragraph F or subsection 3-A, paragraph E, as appropriate.

6. Forms. Reports required by this section not filed electronically must be on forms prescribed, prepared and sent by the commission to the treasurer of each registered candidate at least 7 days before the filing date for the report. Establishment of or amendments to the campaign report filing forms required by this section must be by rule. Persons filing reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports to candidates who are exempt from filing electronically, failure to receive forms by mail does not excuse treasurers, committees and other persons who must file reports from otherwise obtaining the forms or from late filing penalties.

Rules of the commission establishing campaign report filing forms for candidates are routine technical rules as defined in Title 5, Chapter 375, subchapter 2-A.

7. Reporting exemption. (REPEALED)

- 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. (REPEALED)

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 \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-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.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties. (REPEALED)

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 financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

September 12, 2018

Mark Eves

On behalf of:

Mark Eves for ME

PO Box 626

North Berwick, ME 03906

Dear Commissioners,

On behalf of the Campaign of Mark Eves for ME (a/k/a Mark Eves for Governor, Mark Eves for Maine), I hereby request a waiver of the penalty alleged in the Notice provided by this commission on July 17th, 2018 as to violations of reporting responsibilities.

The request is made on the grounds of bona fide attempts to comply with 21-A MRSA 1020A (4-A). The bona fide attempt to comply is supported by a general established pattern of communication with the candidate registrar assigned to the campaign, genuine attempts to establish compliance with the contractor providing services, and the self-reporting of the violation to the assigned candidate registrar as well as request for guidance to return to a state of compliance.

Other evidence supporting these bona fide attempts to comply include the communication with the contracting employee responsible (Exhibit A), several other conversations between the campaign staff and the candidate registrar assigned to the campaign showing a pattern of good faith attempts to comply with the rules.

In this case, we also ask the Commission to contemplate other mitigating factors. The violation alleged in the letter of July 17th 2018 was the first, and to date only, violation of the rules by the campaign.

The penalty in this case also outweighs the harm to the public in disclosure of the expenditures as the amounts were relatively small (\$2,536 and \$6,225), the expenditures concerned production costs for a video advertisement that was already complete and in view of the public with full disclosure information available showing that the Mark Eves campaign had paid for the creation and broadcast of the advertisement. And finally, the specific costs at hand only make up a portion of the overall video production costs, which were otherwise disclosed according to requirements.

We therefore ask that the commission, under the circumstances presented above, waive the penalty assessed.

Signed,

Mark Eves



Chad Burbank <chad@markevesforme.com>

June Retainer Invoice

3 messages

Adair, Annie <annie.adair@gmmb.com>
To: Chad Burbank <chad@markevesforme.com>

Fri, Jun 1, 2018 at 2:12 PM

Hi Chad!

I'm attaching an invoice for GMMB's June retainer fee.

Let me know if you have any questions – thanks!


Annie Adair, Assistant Account Executive

202.813.4725 | direct

703.915.8300 | cell

+gmmb cause the effect

This email is intended only for the named addressee. It may contain information that is confidential/private, legally privileged, or copyright-protected, and you should handle it accordingly. If you are not the intended recipient, you do not have legal rights to retain, copy, or distribute this email or its contents, and should promptly delete the email and all electronic copies in your system; do not retain copies in any media. If you have received this email in error, please notify the sender promptly. Thank you.

 **200206 #1097798_2018_06_01.pdf**
153K

Chad Burbank <chad@markevesforme.com>
To: "Adair, Annie" <annie.adair@gmmb.com>

Mon, Jun 4, 2018 at 11:05 AM

Thank you Annie, checks are in the mail.

Just FYI - we're now in a 24 hour reporting period where any expenditures over \$1000 require reporting within 24 hours to the state ethics office.

Please keep as up to date as possible on expenditures.

Thanks
Chad

Chad K Burbank
[Mark Eves for Governor](#)
Tel: (207) 420-7879

On Fri, Jun 1, 2018 at 2:12 PM, Adair, Annie <annie.adair@gmmb.com> wrote:

Hi Chad!

I'm attaching an invoice for GMMB's June retainer fee.

Let me know if you have any questions – thanks!

Annie Adair, Assistant Account Executive

202.813.4725 | direct

703.915.8300 | cell

+**gmmb** cause the effect

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Adair, Annie <annie.adair@gmmb.com>
To: Chad Burbank <chad@markevesforme.com>

Mon, Jun 4, 2018 at 11:07 AM

Yep! I will send along a full itemization report along with any invoices exceeding \$1,000 from now on

Sound good to you?

Annie Adair, Assistant Account Executive

202.813.4725 | direct

703.915.8300 | cell

+**gmmb** cause the effect

From: Chad Burbank <chad@markevesforme.com>
Date: Monday, June 4, 2018 at 11:06 AM
To: "Adair, Annie" <annie.adair@gmmb.com>
Subject: Re: June Retainer Invoice

Thank you Annie, checks are in the mail.

Just FYI - we're now in a 24 hour reporting period where any expenditures over \$1000 require reporting within 24 hours to the state ethics office.

Please keep as up to date as possible on expenditures.

Thanks

Chad

Chad K Burbank

Mark Eves for Governor

Tel: (207) 420-7879

On Fri, Jun 1, 2018 at 2:12 PM, Adair, Annie <annie.adair@gmmb.com> wrote:

Hi Chad!

I'm attaching an invoice for GMMB's June retainer fee.

Let me know if you have any questions – thanks!

Annie Adair, Assistant Account Executive

202.813.4725 | direct

703.915.8300 | cell

+gmmb cause the effect

9/12/2018

Mark Eves for ME Mail - June Retainer Invoice

This email is intended only for the named addressee. It may contain information that is confidential/private, legally privileged, or copyright-protected, and you should handle it accordingly. If you are not the intended recipient, you do not have legal rights to retain, copy, or distribute this email or its contents, and should promptly delete the email and all electronic copies in your system; do not retain copies in any media. If you have received this email in error, please notify the sender promptly. Thank you.



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

July 17, 2018

Mark Westwood Eves
29 Acorn Lane
North Berwick, Maine 03906

Re: Notice of Violation and Penalty for Late-Filed 24-Hour Reports

Dear Mr. Eves:

You were required to file a 24-Hour Report on June 2, 2018 and June 5, 2018 by 11:59 p.m., but the reports were not filed until June 12, 2018. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the combined preliminary penalty for filing the reports late is \$1,378.70. Please see the next pages for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether 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 to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statements enclosed when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-3651 or erin.gordon@maine.gov if you have any questions.

Sincerely,

Erin Gordon
Candidate Registrar

cc: Jay McCreight

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Mark Westwood Eves			
Late-Filed Report: 24-Hour Report			
Contributions	\$0	Penalty Base Amount	\$2,536.00
Expenditures	\$2,536.00	Percentage	2%
Due Date	June 2, 2018	Daily Accrual Rate	\$50.72
Date Filed	June 12, 2018	Days Late	10
Previous Violations	0	Your Total Penalty	\$507.20

Payment Statement and Payment Options

From: Mark Westwood Eves

Penalty Amount: \$507.20

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: Mark Westwood Eves			
Late-Filed Report: 24-Hour Report			
Contributions	\$0	Penalty Base Amount	\$6,225.00
Expenditures	\$6,225.00	Percentage	2%
Due Date	June 5, 2018	Daily Accrual Rate	\$124.50
Date Filed	June 12, 2018	Days Late	7
Previous Violations	0	Your Total Penalty	\$871.50

Payment Statement and Payment Options

From: Mark Westwood Eves

Penalty Amount: \$871.50

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2018 CAMPAIGN YEAR

COMMITTEE		TREASURER	
Hon. Mark Westwood Eves 29 ACORN LANE NORTH BERWICK, ME, 03906 PHONE:(207) 504-3837 EMAIL: markevesforme@gmail.com		JAY MCCREIGHT 155 GUN POINT ROAD HARPSWELL, ME, 04079 PHONE:(207) 807-7984 EMAIL: JAYMCCREIGHT@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Contributions and Expenditures	06/02/2018	06/01/2018-06/01/2018	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$2,536.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: ERIN GORDON on behalf of JAY MCCREIGHT
REPORT FILED ON: 06/12/2018
LAST MODIFIED: 07/17/2018
COMMITTEE ID: 5639

24-HOUR EXPENDITURE AND PAYEE INFORMATION

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

DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
6/1/2018	CINIMOD PRODUCTIONS - DOMINIC DESANTIS 12916 FALMOUTH DRIVE SILVER SPRING, MD, 20904	FEES FOR CINIMOD PRODUCTIONS AS DIRECTOR OF PHOTORGRAPHY FOR VIDEO SHOOT. REIMBURSED TO GMMB ON 6/12.	TVN	\$2,536.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$2,536.00



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

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2018 CAMPAIGN YEAR

COMMITTEE		TREASURER	
Hon. Mark Westwood Eves 29 ACORN LANE NORTH BERWICK, ME, 03906 PHONE:(207) 504-3837 EMAIL: markevesforme@gmail.com		JAY MCCREIGHT 155 GUN POINT ROAD HARPSWELL, ME, 04079 PHONE:(207) 807-7984 EMAIL: JAYMCCREIGHT@GMAIL.COM	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Contributions and Expenditures	06/05/2018	06/04/2018-06/04/2018	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$0.00
2. TOTAL EXPENDITURES	\$6,225.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: ERIN GORDON on behalf of JAY MCCREIGHT
REPORT FILED ON: 06/12/2018
LAST MODIFIED: 07/17/2018
COMMITTEE ID: 5639

24-HOUR EXPENDITURE AND PAYEE INFORMATION

EXPENDITURE TYPES				
CNS Campaign consultants CON Contribution to other candidate, party, committee EQP Equipment (office machines, furniture, cell phones, etc.) FND Fundraising events FOD Food for campaign events, volunteers LIT Print and graphics (flyers, signs, palmcards, t-shirts, etc.) MHS Mail house (all services purchased) OFF Office rent, utilities, phone and internet services, supplies OTH Other PHO Phone banks, automated telephone calls	POL Polling and survey research POS Postage for U.S. Mail and mail box fees PRO Other professional services PRT Print media ads only (newspapers, magazines, etc.) RAD Radio ads, production costs SAL Campaign workers' salaries and personnel costs TRV Travel (fuel, mileage, lodging, etc.) TVN TV or cable ads, production costs WEB Website design, registration, hosting, maintenance, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
6/4/2018	GMMB 3050 K STREET NW WASHINGTON, DC, 20007	GMMB FEES FOR TV AD DEVELOPMENT AND PRODUCTION OF TV AD. REIMBURSED TO GMMB ON 6/12.	TVN	\$6,225.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$6,225.00

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. 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 a general 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.

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.

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation 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 receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- 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 § 1020. Failure to file on time (REPEALED)

21-A § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. 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. (REPEALED)

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 \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-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.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties. (REPEALED)

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 financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

such funds or services received. If the individual becomes a candidate, the funds or services received are contributions and are subject to the reporting requirements of 21-A M.R.S.A. §1017. The amount and source of such funds or the value of services received must be disclosed in the first report filed by the candidate or the candidate's authorized campaign committee, regardless of the date when the funds or services were received, in accordance with the Commission's procedures for reporting contributions.


Funds or services used by an individual for activities indicating that he or she has decided to become a candidate for a particular office are contributions. Examples of such activities include, but are not limited to: using general public political advertising to publicize his or her intention to campaign for office; hiring staff or consultants for campaign activities; raising funds in excess of what could reasonably be expected to be used for exploratory activities; making or authorizing statements that refer to him or her as a candidate; or taking action to qualify for the ballot.

11. The statutory exception to the definition of "contribution" in 21-A M.R.S.A. §1012 (2)(B)(2) applies when an individual provides real or personal property or pays for invitations, food or beverages as an incidental cost of providing voluntary personal services for a candidate-related activity. The costs of food and beverages are exempt only if they relate to the personal services provided by the volunteer (for example, assisting at a house party, or hosting an evening of envelope-stuffing by volunteers). The costs of invitations for a campaign event may not be shared and are exempt only if paid by a single volunteer providing the real property for the event.

SECTION 7. EXPENDITURES

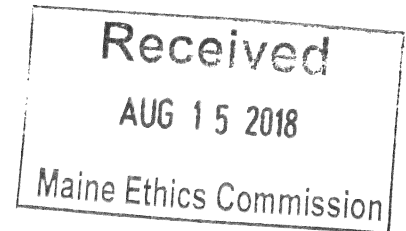
1. Expenditures by Consultants, Employees, and Other Agents of a Political Campaign

- A. Each expenditure made on behalf of a candidate, political committee, or political action committee by any person, agency, firm, organization, etc., employed or retained for the purpose of organizing, directing, managing or assisting the candidate, the candidate's committee, or the political action committee must be reported separately by the candidate or committee as if made or incurred by the candidate or committee directly. The report must include the name of the third party vendor or payee to whom the expenditure was made, the date of the expenditure, and the purpose and amount of the expenditure. It is not sufficient to report only the total retainer or fee paid to the person, agency, firm, organization, etc., if that retainer or fee was used to pay third party vendors or payees for campaign-related goods and services.

- 
- B. If a candidate or committee has paid a media buyer, advertising consultant or similar contractor to purchase advertising time or for the production of television or radio advertising, the candidate or committee may disclose the advertising time and production costs in the aggregate, rather than itemizing each payment made by the contractor to a third party vendor or payee. *Maine Clean Election Act* candidates must obtain from their contractor(s) documentation of every payment of \$50 or more made on their behalf by a contractor or subcontractor related to television or radio advertising.

John Tuttle for State Senate
176 Cottage Street
Sanford, ME 04073

August 8, 2018



Ms. Emma Burke
Maine State Ethics Commission
135 State House Station
Augusta, ME 04333-0135

Dear Emma,

I am in receipt of your letter to John Tuttle dated July 26, 2018. As treasurer of his campaign, and the person who attempted to file the 42 day post primary report online on time, I am responding to your letter.

At a little after 10pm on July 24 I attempted to file the required report online. I had difficulty logging in to the system and eventually a screen came up on the website stating that I had been locked out of the system for multiple unsuccessful attempts to log in. I was directed to call the Ethics Commission via phone to log in. I called and left a voicemail message, thinking that perhaps because of the midnight deadline that someone would still be in the office. On the morning of July 25, I called and spoke with you and explained why the report had not been filed. You were able to unlock my access to the website and soon afterwards, I filed John Tuttle's campaign report. Later that afternoon, a lady from the Ethics Commission returned the message which I had left the previous night on the voicemail. I explained to her that I had filed the report and thanked her for her call.

I respectfully request that the Commission consider waiving the penalty because I had attempted to file the report prior to it being due but was unable to because of a technical problem with the website. I submit as bona fide evidence of my good faith effort the fact that you and I spoke early in the morning of the 25th, that I had left a voicemail on the Commission's phone system, and hopefully that by you having to unlock my access, that the website would show my multiple attempts to file the report on the evening of July 24th.

I appreciate your time and effort as well as the consideration of the Ethics Commission. If I may offer any further information, please contact me at jhanslip@metrocast.net or by calling my cell phone at 207-651-3300.

Sincerely yours,


Joseph R. Hanslip

July 26, 2018

John Tuttle, Jr
176 Cottage Street
Sanford, Maine 04073

Re: Notice of Violation and Penalty for Late-Filed 42-Day Post-Primary Report

Dear Mr. Tuttle:

You were required to file the 42-Day Post-Primary Report on July 24, 2018 by 11:59 p.m., but the report was not filed until July 25, 2018. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$432.00. Please see the next page for the penalty calculation.

You may request that the Commission waive the penalty in whole or in part or find that there was no violation. The request must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the report was filed late. Upon receiving your request, the Commission staff will schedule your request to be heard at an upcoming Commission meeting. You or your designee will have an opportunity to be heard at the meeting or you may submit a sworn statement to the Commission explaining the mitigating circumstances for its consideration.

The Commission may waive or reduce the penalty or find that there was no violation if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that a bona fide effort was made to file the report on time. The Commission may also consider whether 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 to the public caused by the late disclosure.

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact me at (207) 287-4727 or emma.burke@maine.gov if you have any questions.

Sincerely,



Emma Burke
Candidate Registrar

cc: Joseph Hanslip

Penalty Calculation

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 2% for the first violation, 4% for the second violation, and 6% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

How Your Penalty Was Calculated

Filer: John Tuttle, Jr			
Late-Filed Report: 42-Day Post-Primary Report			
Contributions	\$21,600.00	Penalty Base Amount	\$21,600
Expenditures	\$4,349.90	Percentage	2%
Due Date	July 24, 2018	Daily Accrual Rate	\$432.00
Date Filed	July 25, 2018	Days Late	1
Previous Violations	0	Your Total Penalty	\$432.00

Payment Statement and Payment Options

From: John Tuttle, Jr

Penalty Amount: \$432.00

Amount Enclosed: _____

Check/M.O. #: _____

BY MAIL: Enclose this payment statement with your payment.

Please make check or money order payable to: Treasurer, State of Maine

Mail to: Maine Ethics Commission
135 State House Station
Augusta, Maine 04333-0135

ONLINE: Go to www.maine.gov/online/ethics/penalties.



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

2018 CAMPAIGN FINANCE REPORT

FOR MCEA CANDIDATES

COMMITTEE		TREASURER
John L Tuttle Jr. 176 Cottage St Sanford, ME, 04073 PHONE:(207) 324-9120 EMAIL: astuttle@sanfordmaine.org		Joseph R Hanslip P.O. Box 191 Sanford, ME, 04073 PHONE:(207) 324-4499 EMAIL: jhanslip@metrocast.net
REPORT	DUE DATE	REPORTING PERIOD
42-DAY POST-PRIMARY REPORT	07/24/2018	05/30/2018 - 07/17/2018

FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$2,025.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$1,285.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$21,600.00	\$23,625.00
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)	\$4,349.90	\$5,634.90
7. CASH BALANCE AT CLOSE OF PERIOD	\$19,275.10	
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, Joseph R. Hanslip, CERTIFY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

REPORT FILED BY: Joseph R. Hanslip
REPORT FILED ON: 07/25/2018
LAST MODIFIED:
COMMITTEE ID: 6090

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
6/19/2018	MCEA Payment		15	\$20,275.00
6/29/2018	MCEA Payment		15	\$1,325.00
TOTAL CASH CONTRIBUTIONS				\$21,600.00

**SCHEDULE B
EXPENDITURES**

EXPENDITURE TYPES				
CNS	Campaign consultants	CON	Contribution to other candidate, party, committee	
EQP	Equipment (office machines, furniture, cell phones, etc.)	FND	Fundraising events	
FOD	Food for campaign events, volunteers	LIT	Printing and graphics (flyers, signs, palmcards, t-shirts, etc.)	
MHS	Mail house (all services purchased)	OFF	Office supplies, phone and internet services, rent and utilities	
OTH	Other (bank fees, entrance fees, small tools, wood, etc.)	PHO	Phone banks, automated telephone calls	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Other professional services	PRT	Print media ads only (newspapers, magazines, etc.)	
RAD	Radio ads, production costs	SAL	Campaign workers' salaries and personnel costs	
TRV	Travel (fuel, mileage, lodging, etc.)	TVN	TV or cable ads, production costs	
WEB	Online advertising, website design, maintenance, hosting, etc.			
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
5/31/2018	Deering Lumber 20 Coleco Drive Springvale, ME, 04083	Wood for campaign signs	OTH	\$80.00
5/31/2018	Sanford House of Pizza 990 Main Street Sanford, ME, 04073	Food for volunteers stuffing envelopes	FOD	\$50.76
5/31/2018	Staples 201 MARINER WAY BIDDEFORD, ME, 04005	photocopies and envelopes for campaign mailer	LIT	\$282.92
5/31/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	FIRST CLASS STAMPS FOR A CAMPAIGN MAILING	POS	\$1,000.00
5/31/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	campaign mailing	POS	\$1,000.00
5/31/2018	Walmart 1930 MAIN STREET SANFORD, ME, 04073	envelopes for campaign mailing	OFF	\$6.94
6/2/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	postage stamps for campaign mailing	POS	\$150.00
6/3/2018	Walmart 1930 MAIN STREET SANFORD, ME, 04073	envelopes for campaign mailer	OFF	\$208.08
6/5/2018	Burpee Signs 281 COUNTRY CLUB ROAD SANFORD, ME, 04073	Install 2 4x8 campaign signs	OTH	\$300.00
6/12/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	postage stamps for campaign mailing	POS	\$50.00
6/19/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	postage stamps for campaign mailing	POS	\$50.00

6/26/2018	John L. Tuttle, Jr. 176 COTTAGE STREET SANFORD, ME, 04073	mileage reimbursement for campaign related travel	TRV	\$55.00
7/2/2018	U.S. POSTAL SERVICE School Street Sanford, ME, 04073	postage for campaign material	POS	\$10.00
7/12/2018	Donahue Advertising 11205 HELBER ROAD LOGAN, OH, 43138	campaign signs	LIT	\$1,030.20
7/17/2018	John L. Tuttle, Jr. 176 COTTAGE STREET SANFORD, ME, 04073	mileage reimbursement for campaign related travel	TRV	\$76.00
TOTAL EXPENDITURES FOR CANDIDATE:				\$4,349.90

Burke, Emma

From: Burke, Emma
Sent: Tuesday, July 24, 2018 14:16
To: Gordon, Erin; Goodhue, Timothy A
Subject: ! PRIORITY ! 42-Day Post-Primary Report Due TODAY on New Filing Website

GOOD AFTERNOON!

This is just a friendly reminder that the 42-Day Post-Primary Report is due **TODAY**, prior to midnight. [If you are receiving this email, you are required to file this report.](#)

I am sending a reminder earlier in the day because we have updated our efilng website, and it looks quite a bit different, and operates somewhat differently as well. It is possible you may need assistance filing, so it would best *if you attempt to file before 4:00pm*. **At the very least**, please make sure you (or your treasurer, if you are an MCEA candidate) can **log in successfully to the efilng system**. Go to www.mainecampaignfinance.com and click **Register/Sign In** to get started.

Remember, any late report starts automatically accruing financial penalties by the day, and reports must be filed on the efilng website, by clicking the red **FILE** button, to be considered filed.

Some other helpful tips:

- Safari and our website are not getting along right now – please use another (updated) browser, like Google Chrome, Internet Explorer, or Microsoft Edge
- The mobile version of our website is not up yet – so, unfortunately, you'll need an actual computer (the thing with actual keys and a mouse) to file this report
- MCEA candidates cannot file their own reports, your treasurer or deputy treasurer will have to file it for you

I'll be here until 5:00 pm. Don't hesitate to call or email if you need help or have questions. If you see anything with the new system that doesn't look right, send me an email in case it is a bug and needs to be fixed.

Happy filing!

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. 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 a general 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.

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.

3-B. Accelerated reporting schedule. (REPEALED)

4. New candidate or nominee. A candidate for nomination or a nominee chosen to fill a vacancy under Chapter 5, subchapter 3 is subject to section 1013-A, subsection 1, except that the candidate shall register the name of a treasurer or political committee and all other information required in section 1013-A, subsection 1, paragraphs A and B within 7 days after the candidate's appointment or at least 6 days before the election, whichever is earlier. The commission shall send notification of this registration requirement and report forms and schedules to the candidate

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation 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 receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

5. Exclusions. An independent expenditure does not include:

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- 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 § 1020. Failure to file on time (REPEALED)

21-A § 1020-A. Failure to file on time

1. Registration. A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. 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. (REPEALED)

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 \$10 is waived.

Violations accumulate on reports with filing deadlines in a two-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.

A registration or report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as the facsimile copy is filed by the applicable deadline and an original of the same report is received by the commission within 5 calendar days thereafter.

5. Maximum penalties. (REPEALED)

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 financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019 B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;



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

To: Commissioners
From: Emma Burke, Candidate Registrar
Date: September 12, 2018
Re: Update on Administrative Issue – Harassment Training Certification by Lobbyists

This summer, the Maine Legislature enacted Chapter 443 of the Public Laws of 2017. The new law requires Legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council is directed to develop and implement the training. The law will go into effect on December 13, 2018.

The trainings are being organized by the office of the Executive Director of the Legislative Council. The Director of Human Resources will directly train the Legislators and staff. An outside consultant has been hired to train the lobbyists. The lobbyist training sessions are currently scheduled for 11/16/2018, 12/14/2018, 1/11/2019, 2/7/2019, and 5/24/2019. More information on the lobbyist training is located at <http://legislature.maine.gov/news/349/harassment-training-for-lobbyists>.

Maine's lobbyist disclosure law defines "lobbyist" as an individual who lobbies for more than eight hours in a calendar month on behalf of a client for compensation. (3 M.R.S.A. § 312-A(10)) Lobbying means communicating directly with a covered official for the purpose of influencing legislation or preparing oral or written testimony, proposals or analysis to be submitted to an official. (§ 312-A(9)) Lobbyists must register with the Commission once they have met the 8-hour threshold and begin filing monthly reports with the Commission. (3 M.R.S.A. §§ 313 & 317))

After Chapter 443 takes effect, when lobbyists register with the Commission, they will need to certify that they have completed the harassment training. Some lobbyists register in December (the first month of the first regular session), but many do not register until January or February or later in the session. The first round of lobbyist training sessions are currently scheduled for 11/16/2018, 12/14/2018, 1/11/2019, 2/7/2019, and 5/24/2019.

Chapter 443 authorizes the Commission to exempt lobbyists from the training requirement if a lobbyist has “a very limited physical presence in the State House and the Burton M. Cross Building.” While most lobbyists travel to the State House or the Cross Building regularly, some individuals who work outside Maine or rarely visit Augusta can be required to register as lobbyists.

Chapter 443 does not define “very limited physical presence.” The approach of the Commission staff is that the exemption should allow an out-of-state lobbyist sufficient time to lobby a single bill during a session without taking the Legislature’s in-person training. Unless you offer any contrary direction to the Commission staff, our inclination is to interpret “very limited physical presence” to mean that the lobbyist is in the State House or Cross Building no more than four times during a legislative session.

Through a September 12, 2018 email, we invited comments from lobbyists about how to interpret “very limited physical presence.” (At that time, the Commission staff was preliminarily leaning toward a standard of no more than two days per calendar month.) We received substantive comments from only one lobbyist, Newell Augur, and were influenced by his comments. He suggested that sometimes an out-of-state lobbyist may need to visit Augusta more than twice to effectively lobby a bill and that it might make sense to base the number of visits over the course of a legislative session or a year, rather than a calendar month.

Chapter 443 also authorizes the Commission to provide a limited extension to the registration certification requirement, if the lobbyist cannot complete the training prior to registration due to circumstances that are beyond the lobbyist’s control.

Our plan to implement the new certification requirements is as follows. When lobbyists register (using an online or paper form), they will need to make one of the following certifications through selecting a checkbox:

- they have taken the training for the year (the lobbyist would enter the date on which they received the training),
- they are exempt, because they will have a “very limited physical presence” in the State House or Cross building (the statement would include the Commission’s interpretation of that term), or
- they are requesting an extension until the next available training by the Legislature (the lobbyist would enter the date of the future training). The lobbyist would need to amend the registration once they receive that training.

These changes in the registration process are planned to be operational on December 13, 2018, when the new requirement goes into effect.

Please let us know if you have any questions about our administration of this new requirement, or if you would prefer a different standard for very limited physical presence.

Thank you for your consideration of this memo.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

S.P. 695 - L.D. 1842

**An Act To Require Education and Training Regarding Harassment for
Legislators, Legislative Staff and Lobbyists**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §170-B is enacted to read:

§170-B. Required training regarding harassment

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

Sec. 2. 3 MRSA §312-B is enacted to read:

§312-B. Required training regarding harassment

A lobbyist shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. If a lobbyist has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist from the requirements of this section.

Sec. 3. 3 MRSA §316, sub-§4-C, as enacted by PL 2007, c. 630, §12, is amended to read:

4-C. Website of employer. The address for the employer's publicly accessible website; and

Sec. 4. 3 MRSA §316, sub-§4-D is enacted to read:

4-D. Date of completion of required harassment training. The date that the lobbyist completed the training required under section 170-B; and

Sec. 5. 3 MRSA §321, sub-§9 is enacted to read:

9. Reject registrations. The commission shall reject registrations that do not include certification of completion of training required under section 170-B.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the contracting and related costs of providing harassment training for lobbyists.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,650
GENERAL FUND TOTAL	\$0	\$2,650

Wayne, Jonathan

From: Feliciano, Katie on behalf of Commission, Ethics
Sent: Wednesday, September 12, 2018 1:15 PM
Cc: Wayne, Jonathan; Lavin, Paul; Dyer, Benjamin P
Subject: Opportunity to Comment - Lobbyist Registration/Harassment Training

Dear Lobbyists,

Beginning later this year, lobbyists will be required to certify that they have completed harassment training in order to register with the Ethics Commission, under [P.L. 2017, Ch. 443](#). The staff of the Commission is making plans to implement this new part of the registration process. If you have any feedback on the following two aspects of the new requirement, please feel free to share them by replying to this email:

- Chapter 443 authorizes the Commission to exempt lobbyists from the training requirement if a lobbyist has “a very limited physical presence in the State House and the Burton M. Cross Building.” (Some individuals who work outside Maine or rarely visit Augusta can be required to register as lobbyists.) Preliminarily, the Commission staff is giving consideration to interpreting “very limited physical presence” to mean being present in the State House or Cross Building for no more than two days in a calendar month.
- Chapter 443 also authorizes the Commission to provide a limited extension to the registration certification requirement, if the lobbyist cannot complete the training prior to registration due to circumstances that are beyond the lobbyist’s control. For the upcoming lobbying year, the Legislature is planning on offering five trainings on 11/16/2018, 12/14/2018, 1/11/2019, 2/7/2019, and 5/24/2019. The Commission staff is considering interpreting the “limited extension” to mean the Commission may extend the training requirement until the next available training by the Legislature during that lobbying year.

If you have any comments on how the Commission should administer the limited-presence exemption or the extension, **please submit your comments by replying to this email no later than Tuesday, September 18**. The Commission staff anticipates discussing this topic with the Commissioners at their next meeting (with an opportunity for public comment) on September 26, 2018, 9:00 am, at the Commission’s Office, 45 Memorial Circle in Augusta.

More information concerning the Legislature’s harassment training for lobbyists is available at this link: <http://legislature.maine.gov/news/345/harassment-training-for-lobbyists>

Thank you.

Katie L. Feliciano
Commission Assistant
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135 State House Station
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