



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

Commission Meeting 02/24/2021
Agenda Item #2

To: Commission
From: Michael J. Dunn, Esq., Political Committee Registrar
Date: 02/17/2021
Re: Kittery Democratic Campaign Committee – Waiver Request

Local activists in Maine’s political parties may choose to form committees at the municipal or county levels (*e.g.*, the Portland Democratic Committee or the Knox County Republican Committee). Local party committees are required to file two or three campaign finance reports with the Commission per year, except a committee is exempt from financial reporting if the contributions it has received, and expenditures made during the year do not exceed \$1,500. Dozens of party committees are organized at the local level but do not file reports with the Commission year to year.

Each election year, the Commission sends emails to all local party committee officers on record with the Commission alerting them to the filing schedule for local party committees and the \$1,500 exemption. If an officer responds that the committee expects to exceed the \$1,500 threshold, the Commission staff will provide them the forms for filing reports (*i.e.*, eFiling user credentials or paper reporting forms). Once a local party committee exceeds \$1,500 in contributions or expenditures, the committee must file the next scheduled campaign finance report and continue filing reports through the end of the year’s filing schedule.

On January 15, 2021, the Kittery Democratic Committee (the “Committee”) filed the January Semi-Annual Report. Upon reviewing the report, Commission staff determined that an unfiled 11-Day Pre-General Report (due on October 23, 2020) was required and had not been filed by the Committee. Commission staff notified the Committee of the preliminary penalty for the

Committee's activity from January 1st through October 20th. The Committee filed a timely waiver request on January 27, 2021.

LEGAL REQUIREMENTS

Registration of Local Party Committees. Every year in which a general election is scheduled, the state party committees submit to the Commission a consolidated report of all officers for each local party committee. 21-A M.R.S. § 1013-A(3); ETH. 21.

Local Party Committee Filing Schedule. In an election year, local party committees must file reports on July 15th, the 11th day before the general election, and on January 15th. A local party committee that receives and expends less than \$1,500 in one calendar year is exempt from the reporting requirements for that year. 21-A M.R.S. §§ 1017-A(4-B) & (7); ETH. 21-22.

Penalties. The penalty for a late filing of a report is a statutory calculation that considers the total contributions or expenditures for the filing period, the number of days late, and a statutory percentage. 21-A M.R.S. § 1020-A(4-A); ETH. 23. If a local party committee files a report late, the maximum penalty is \$500. 21-A M.R.S. § 1020-A(5-A)(D); ETH. 23.

Waivers. The Commission may waive a penalty in whole or in part if the penalty is disproportionate to the size of the campaign, level of experience of the officers, or the harm suffered by the public from the late disclosure. The Commission may also waive the penalty, in whole or in part, if the Commission finds mitigating circumstances. 21-A M.R.S. § 1020-A(2); ETH. 22.

DISCUSSION AND STAFF RECOMMENDATION

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount is the maximum of \$500, calculated as follows:

Report	Date Due	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty
2020 11-Day Pre-General Report	10/23/2020	\$9,855.00	2%	85	\$500 (MAX)

The Committee requests a waiver through a January 17, 2021 letter from Lyn E. Rosoff, the Chair of the Kittery Democratic Committee. The Committee contends that, due to a lack of experience, it was unaware of the 11-Day Pre-General Report, having only cleared the \$1,500 threshold in 2019 (non-election years do not have the 11-Day Pre-General Report). ETH. 1. The Committee asserts that it did not receive notice of the filing deadline and was unaware of it. ETH. 1.

On July 9, 2020, Commission staff sent to Ms. Rosoff at the address of sndwind@aol.com a form email that alerted local party committees of the requirement to file a July 15, 2020 campaign finance report if the committee had raised or spent more than \$1,500 and that contained a link to the 2020 filing schedule. ETH. 15-16. The filing schedule includes an instruction that “[t]he first report due after exceeding \$1,500 in contributions or expenditures is the next scheduled report.” ETH. 16. There is no indication that the email was undelivered.

In 2020, once a committee officer responded to the July 9, 2020 email by informing the Commission staff that the committee expected to file campaign finance reports for the year, the Commission staff provided the officer with the forms for filing reports and would assign a 2020 filing schedule to the committee in our eFiling system. The assignment of a filing schedule in

eFiling resulted in the sending of automated emails for deadlines later in the year, along with postcard reminders by U.S. Mail.

When local party committees file campaign finance reports late, the Commission has a history of treating them with a greater degree of leniency compared to other filers, due to the difficulty of notifying the correct officers of the filing deadlines, the lack of training available to treasurers and other officers, and the scarcity of funds with which to pay financial penalties. (Local party committee officers turn over frequently, and the contact information we receive from the state party committees is often outdated.)

When the Commission decided in April 2018 to double the penalties for most campaign finance filers, Commission members directed staff not to increase penalty recommendations for local party committees. ETH. 17-18. In a waiver request from the Brunswick Democratic Town Committee, the Commission reduced the \$452.54 penalty to \$100. ETH. 18. For the Yarmouth Republican Town Committee, the Commission reduced the \$171.52 penalty to \$100 for two late reports. ETH. 18-19. In Waldoboro Republican Town Committee, the Commission reduced the \$711.82 penalty to \$150 for two late reports.¹ ETH. 19-20.

Commission staff recommends a reduction of the penalty to \$100. Commission staff credits that the Committee has very little experience and that there was no intent to deceive the public. A penalty in this range seems more proportional to the harm suffered by the public, the presented mitigating factors, and the Commission's history with similar cases.

Thank you for your attention in this matter.

¹ The penalty without that cap would have been \$5,458.19.



January 27, 2021

Michael J. Dunn, Esq.
Maine Ethics Commission
135 State House Station
Augusta, Maine. 04333

Cc: Julia O'Connell, Treasurer, Deane Rykerson, Vice Chair

Dear Mr. Dunn:

I am writing to appeal the \$500 fine levied against the Kittery Democrats for missing the October filing deadline. You listed reasons that might be cited for such an appeal, and it included lack of experience in filing.

This is EXACTLY why Kittery missed the filing date. I have never heard that there was an October deadline. I did not receive notification. I was not alerted by any other organization, for example, the York County Democratic Party. No one told me that this was required, and I was quite surprised when I finally learned about it.

The primary reason that Kittery did not file is that, until last year, (my first year as Chair) our Committee never raised sufficient funds to require filing. Hence, we do not have a history of filing on these specific deadlines.

I want to assure you that we do NOW. I hope you will forgive us this ONE TIME error. I assure you, we will not make it again.

Sincerely,

A handwritten signature in cursive script that reads "Lyn E. Rosoff".

Lyn E. Rosoff, Chair
Kittery Democrats



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

January 25, 2021

Ms. Julia O'Connell
Kittery Democratic Committee
8 Busdick Dr.
Kittery, ME 03904

Re: Kittery Democratic Committee Late Filing of the 2020 11-Day Pre-General Report

Dear Ms. O'Connell:

The Commission staff has made a finding that the Kittery Democratic Committee was late in filing its 2020 11-Day Pre-General campaign finance report. The report was due by 11:59 p.m. on October 23, 2020 but was not filed until January 15, 2021. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A). Based on the amount of financial activity in the report, the number of calendar days the report was late, and the committee's history of violations, the Commission staff has determined that a penalty of \$500 is owed. (Please see attached penalty matrix for the calculation.)

The PAC may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver 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 PAC filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

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

Please call me at (207) 287-4709 or send me an email at michael.dunn@maine.gov if you have questions.

Sincerely,

Michael J. Dunn

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar

PAYMENT RECEIPT
(Please enclose with payment.)

Mail payment to:

Maine Ethics Commission
135 State House Station
Augusta, ME 04333

Make checks payable to: "Treasurer, State of Maine."

Julia O'Connell, Treasurer
Kittery Democratic Committee
8 Busdick Dr.
Kittery, ME 03904

Violation: Late 2020 11-Day Pre-General Report
Amount Due: \$500

Committee Name: Kittery Democratic Committee

Prior Violations:

Report Name	Activity Amount	Due Date	Days Late	Penalty Rate	Penalty
2020 11-Day Pre-General Report	\$9,855	10/23/2020	85	2%	\$500*

*Maximum Penalty

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 2%

For the second violation, 4%

For the third and each subsequent violation, 6%

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

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for Pre- and Post-Election Reports, Quarterly Reports and 24-Hour Reports, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late.



Received
JAN 22 2021
Maine Ethics Commission

Website: www.maine.gov/ethics

Phone: 207-287-4179

Fax: 207-287-6775

2020 CAMPAIGN FINANCE REPORT

FOR MUNICIPAL, DISTRICT AND COUNTY POLITICAL PARTY COMMITTEES

Please complete ALL entries.

NAME OF COMMITTEE	Kittery Democratic Committee			<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT
STREET	61 Tilton Ave			
CITY AND ZIP CODE	Kittery ME 03904	TELEPHONE NUMBER	617-224-6960	
E-MAIL	sndwind@aol.com Kitterydem@gmail.com			
NAME OF TREASURER	Julia O'Connell			<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT
MAILING ADDRESS STREET	8 Busdick Dr			
CITY AND ZIP CODE	Kittery 03904	TELEPHONE NUMBER	207-703-0450	
E-MAIL	twojulia@hotmail.com			

Type of Report	Due Date	Dates of Report Period
<input type="checkbox"/> July Semi-Annual Report	July 15, 2020	January 1, 2020 – June 30, 2020
<input checked="" type="checkbox"/> 11-Day Pre-General Report	October 23, 2020	July 1, 2020 – October 20, 2020
<input checked="" type="checkbox"/> January Semi-Annual Report	January 15, 2021	October 21, 2020 – December 31, 2020
<input type="checkbox"/> Amendment to: <u>(Did not know about Oct Report)</u>		
<input type="checkbox"/> No Activity Report: Use only if the committee had no contributions and no expenditures and did not incur any unpaid debts or obligations during the reporting period. Check the appropriate report above as well.		
<input type="checkbox"/> Termination Report: If the committee will have no further activity. Check the appropriate report above as well.		

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.

Lyn E Rozoff, Chair
Treasurer's or Principal Officer's Signature

1/25/21
Date

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$200, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For cash contributions totaling \$200 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$200 in a report period, you must list that contributor separately.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	AMOUNT
9/11/20	Sally Hershberg 43 Cotts Island Lane Kittery Point 03905	retired	CON	230.00
9/11/20	Susan Pendergast PO Box 265 Kittery Pt 03905	retired	CON	295
9/11/20	Stephany Proboch 42 Goodwin Rd Kittery Pt 03905	retired	CON	775
9/11/20	Lyn Rosoff 61 Tilton Ave Kittery 03904	retired	CON	325
9/11/20	S Goodman 4 Tower Road Kittery Point 03905	retired	CON	310
9/11/20	Kathleen Maura 23 Pockhontas Rd Kittery Pt 03905	retired Chair, Maine Dem Party	CON	795
Total cash contributions (this page only) ⇒ (combined totals from all Schedule A pages must be listed on Schedule F)				2,730

Key Codes:

- | | |
|--------------------------------|--|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 12 = Contributors giving \$200 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$200, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For cash contributions totaling \$200 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$200 in a report period, you must list that contributor separately.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	AMOUNT
9/11/20	Aulene Brewster 7 Bond Road Kittery Pt 03905	retired	con	550
9/11/20	Donna Jean Ahigian 5 Bowen Rd Kittery 03904	retired	con	325
9/11	Mytrah Sioshansi 44 Tower Rd Kittery Pt 03905	retired	con	430
9/11	Gretchen Stewart 15 Folcott Rd Kittery Pt 03905	retired	con	340
9/11	Kimberly Green 55 Chauncy Creek Rd Kittery Pt 03905	retired	con	220
9/11	Lorene Ulrich 8 Bartels Creek Kittery Pt 03905	retired	con	460
Total cash contributions (this page only) =>				2,325
(combined totals from all Schedule A pages must be listed on Schedule F				

- Key Codes:
- | | |
|--------------------------------|--|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 12 = Contributors giving \$200 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |

**SCHEDULE A
CASH CONTRIBUTIONS**

- For contributors who gave more than \$200, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For cash contributions totaling \$200 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$200 in a report period, you must list that contributor separately.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	AMOUNT
9/11/20	Greg Ulrich 8 Bartons Creek Kelley Pt 03905	ret'd	con	430
9/11/20	K. Bokus 1 Smokey Hollow Ln Kelley 03904	retired	con	230
9/11/20	Jane Seaton 100 Nubble Rd York D	retired	con	500
9/11/20	unitemized contributions		12	3640

Total cash contributions (this page only) ⇒ 4800
(combined totals from all Schedule A pages must be listed on Schedule F)

- Key Codes:
- | | |
|--------------------------------|--|
| 1 = Individuals | 7 = Ballot Question Committee |
| 3 = Commercial Source | 9 = Candidate/Candidate Committees |
| 4 = Non Profit Organization | 10 = General Treasury Transfer |
| 5 = Political Action Committee | 12 = Contributors giving \$200 or Less |
| 6 = Political Party Committee | 16 = Financial Institution |

**SCHEDULE A-1
IN-KIND CONTRIBUTIONS**

- In-kind contributions are goods and services (including facilities) that a committee received at no cost or at a cost less than the fair market value. They include all goods and services purchased for the committee by others if the committee does not expect to reimburse the person who made the purchase.
- For contributors who gave more than \$200, the committee must report the contributor's name, address, occupation, and employer.
- If employment information has been requested from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- For contributions totaling \$200 or less, please enter "unitemized contributions" as the contributor and the total amount and the appropriate key code on a line on this page. Once a contributor has given the committee more than \$200 in a report period, you must list that contributor separately.
- Duplicate as needed.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	DESCRIPTION (of goods, services, facilities, or discounts received)	TYPE (use key code)	VALUE (estimated fair market value)

Total in-kind contributions (this page only) =>
(combined totals from all Schedule A-1 pages must be listed on Schedule F)

- Key Codes:
- 1 = Individuals
 - 2 = Commercial Source
 - 3 = Non Profit Organization
 - 4 = Political Action Committee
 - 5 = Political Party Committee
 - 6 = Ballot Question Committee
 - 7 = Candidate/Candidate Committees
 - 8 = General Treasury Transfer
 - 9 = Contributors giving \$200 or Less
 - 10 = Financial Institution

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

- Enter all expenditures, including cash contributions from this committee, made to support or oppose a candidate, political action committee, ballot question committee, or party committee.
- Enter all expenditures made to support or oppose a ballot question, referendum, or citizen initiative, including expenditures made in the signature-gathering phase.
- Enter the name of the candidate, ballot question, or committee supported or opposed by the expenditure and indicate whether the expenditure was made in support or opposition.
- Duplicate as needed.

If a single expenditure is made to support or oppose multiple candidates, committees, or ballot questions, the expenditure must be itemized by the amount spent per candidate, committee, or ballot question, not as a single expenditure, and each candidate, committee, or ballot question must be identified.

EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	PER	Personnel and campaign staff, consulting, and independent contractors
CON	Contribution to party committee, non-profit, other	PHO	Phones (phone banking, robocalls, and texts)
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	POL	Polling and survey research
EVT	Campaign and fundraising events (venue/booth rental, entertainment, supplies, etc.)	POS	Postage for US Mail and mailbox fees
FOD	Food for campaign events or volunteers, catering	PRO	Professional services (graphic design, legal services, web design)
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	RAD	Radio ads and production costs only
LIT	Printed campaign materials (palmcards, signs, stickers, flyers etc.)	TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)
MHS	Mail house and direct mail (design, printing, mailing, and postage)	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes/data	TVN	TV/Cable ads, production, and media buyer costs only
ONL	Social medial and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)
OTH	Other and fees (bank, contribution, and money order fees, etc.)		

! REMARKS REQUIRED ON ALL EXPENDITURE TYPES!

Date: <u>9/28/20</u>	Payee Name and Address: <u>South Berwick Democrats Committee South Berwick, Maine</u>	Amount
Type: <u>CON</u>	Remarks (Required): <u>to support local political activities</u>	<u>800</u>
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
Date: <u>9/28/20</u>	Payee Name and Address: <u>Eliot Democratic Committee Eliot Maine</u>	Amount
Type: <u>CON</u>	Remarks (Required): <u>to support direct mail</u>	<u>500</u>
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
Total expenditures this page only ⇒		<u>1300</u>
(combined totals from all Schedule B pages must be listed on Schedule F)		

**SCHEDULE B (continued)
EXPENDITURES TO SUPPORT OR OPPOSE**

Date:	Payee Name and Address:	Amount
9/26/20	Ogunquit Democratic Committee Ogunquit Maine	450
Type: CON	Remarks (Required): to help support local activities	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
9/26/20	Limington Democratic Committee Limington Maine	1,000
Type:	Remarks (Required): to help with a local office	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
9/26/20	Old Orchard Beach Dem Committee Old Orchard Beach Maine	275
Type:	Remarks (Required): to help pay for signage	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
9/26/20	Parsonfield Democratic Committee Parsonfield, Maine	275
Type:	Remarks (Required): to help pay for local ads	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
9/26/20	Cornish Democratic Committee Cornish, Maine	700
Type:	Remarks (Required): to help with local activities	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question:	
Total expenditures this page only => (combined totals from all Schedule B pages must be listed on Schedule F)		2,700

**SCHEDULE B
EXPENDITURES TO SUPPORT OR OPPOSE**

- Enter all expenditures, including cash contributions from this committee, made to support or oppose a candidate, political action committee, ballot question committee, or party committee.
- Enter all expenditures made to support or oppose a ballot question, referendum, or citizen initiative, including expenditures made in the signature-gathering phase.
- Enter the name of the candidate, ballot question, or committee supported or opposed by the expenditure and indicate whether the expenditure was made in support or opposition.
- Duplicate as needed.

If a single expenditure is made to support or oppose multiple candidates, committees, or ballot questions, the expenditure must be itemized by the amount spent per candidate, committee, or ballot question, not as a single expenditure, and each candidate, committee, or ballot question must be identified.

EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	PER	Personnel and campaign staff, consulting, and independent contractors
CON	Contribution to party committee, non-profit, other	PHO	Phones (phone banking, robocalls, and texts)
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	POL	Polling and survey research
EVT	Campaign and fundraising events (venue/booth rental, entertainment, supplies, etc.)	POS	Postage for US Mail and mailbox fees
FOD	Food for campaign events or volunteers, catering	PRO	Professional services (graphic design, legal services, web design)
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	RAD	Radio ads and production costs only
LIT	Printed campaign materials (palmcards, signs, stickers, flyers etc.)	TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)
MHS	Mail house and direct mail (design, printing, mailing, and postage)	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes/data	TVN	TV/Cable ads, production, and media buyer costs only
ONL	Social media and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)
OTH	Other and fees (bank, contribution, and money order fees, etc.)		

! REMARKS REQUIRED ON ALL EXPENDITURE TYPES!

Date: <u>8/11/18</u>	Payee Name and Address: <u>Committee to elect Jon Ossoff</u> <u>Georgia</u>	Amount
Type: <u>CON</u>	Remarks (Required):	<u>500</u>
<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question: <u>Jon Ossoff</u>	
Date: <u>11/18</u>	Payee Name and Address: <u>Committee to elect Warnoch</u> <u>Georgia</u>	Amount
Type:	Remarks (Required):	<u>500</u>
<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose	Candidate Name/Ballot Question: <u>Rev Warnoch</u>	
Total expenditures this page only ⇒		<u>1000</u>
(combined totals from all Schedule B pages must be listed on Schedule F)		

**SCHEDULE B - 1
OPERATING EXPENSES**

- List all operational expenditures made to a single payee or creditor that were made during this reporting period. Multiple expenditures for bank fees and vehicle travel may be aggregated and listed as a lump sum provided that the time period of the expenditure be identified in the remark section.
- Duplicate as needed

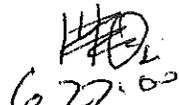
EXPENDITURE TYPES			
APP	Apparel (t-shirts, hats, embroidery, etc.)	PER	Personnel and campaign staff, consulting, and independent contractors
CON	Contribution to party committee, non-profit, other	PHO	Phones (phone banking, robocalls, and texts)
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	POL	Polling and survey research
EVT	Campaign and fundraising events (venue/booth rental, entertainment, supplies, etc.)	POS	Postage for US Mail and mailbox fees
FOD	Food for campaign events or volunteers, catering	PRO	Professional services (graphic design, legal services, web design)
HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	RAD	Radio ads and production costs only
LIT	Printed campaign materials (palmcards, signs, stickers, flyers etc.)	TKT	Entrance cost to event (beer suppers, fairs, party events, etc.)
MHS	Mail house and direct mail (design, printing, mailing, and postage)	TRV	Travel (mileage and lodging, etc.)
OFF	Office supplies, rent, utilities, internet service, phone minutes/data	TVN	TV/Cable ads, production, and media buyer costs only
ONL	Social medial and online advertising only	WEB	Website and internet costs (website domain and registration, etc.)
OTH	Other and fees (bank, contribution, and money order fees, etc.)		

! REMARKS REQUIRED FOR ALL EXPENDITURE TYPES !

DATE	PAYEE NAME & ADDRESS	TYPE	REMARKS (REQUIRED)	AMOUNT
10/25	Lorene Ulrich Kitty Pt Maine	LIT	for auction	110.00
10/21	Susan Pendergast Kitty Pt	LIT	for auction	30
9/26	Lyn Ross Kitty Maine	WEB	Reimbursement of Pay Pal cost to on-line auction site	482

Total expenditures (this page only) =>

(combined totals from all Schedule B-1 pages must be listed on Schedule F)


622.00

Committee Name:

Kitty Demoucks

**SCHEDULE F
SUMMARY SCHEDULE
CASH ACTIVITY**

Receipts	Total for this Period
1. Cash Contributions (Schedule A)	9,855
2. Other Cash Receipts (interest, etc.)	
3. Loans (Schedule C)	
4. Total Receipts (lines 1 + 2 + 3)	9,855
Expenditures	Total for this Period
5. Expenditures to Support or Oppose (Schedule B)	5,000
6. Operating Expenditures (Schedule B-1)	622. ⁰⁰
7. Loan Repayment (Schedule C)	
8. Total Payments (lines 5 + 6 + 7)	5,622

CASH SUMMARY

	Total for This Period
9. Cash Balance at Beginning of Period	2704
10. Plus Total Receipts This Period (line 4 above)	9855
11. Minus Total Payments This Period (line 8 above)	5622
12. Cash Balance at End of Period	6937

OTHER ACTIVITY

	Total for This Period
13. In-Kind Contributions (Schedule A-1)	
14. Total Loan Balance at End of Period (Schedule C)	
15. Total Unpaid Debts at End of Period (Schedule D)	

From: [Dunn, Michael](#)
To: ["sndwind@aol.com"](mailto:sndwind@aol.com)
Subject: July 15, 2020 Semi-Annual Report Reminder
Date: Thursday, July 9, 2020 4:41:39 PM

Dear Sir/Madam:

This email is sent to remind you that your political committee may be required to file a campaign finance report on July 15, 2020. Only committees that have raised \$1,500 or more or spent \$1,500 or more during the 2020 calendar year must file the report. If the committee has not raised or spent \$1,500 or more during **2020**, the Ethics Commission does not expect you to file a report.

If your committee has raised \$1,500 or more or spent \$1,500 or more during the **2020** calendar year then you are required to file a campaign finance report no later than 11:59 P.M. on July 15, 2020. Failure to file by this deadline may result in late penalties being assessed.

If, after logging into <https://mainecampaignfinance.com/#/index>, you do not see an option to file a report, please contact Commission staff, no later than 5:00 P.M. on July 15, 2020, to assign the 2020 filing schedule to your account. If you have any questions or concerns, you may contact me directly at Michael.Dunn@maine.gov or (207) 287-4709.

You may also view the complete filing schedule at:
<https://www.maine.gov/ethics/sites/maine.gov.ethics/files/inline-files/Local%20Committee%20Filing%20Schedule.pdf>.

Sincerely,

Michael J. Dunn, Esq.
Political Committee and Lobbyist Registrar
Maine Ethics Commission
135 State House Station
Augusta, Maine 04333
Phone: (207) 287-4179 Fax: (207) 287-6775

Confidentiality Notice | This e-mail message, including any attachments, has been sent from the Commission on Governmental Ethics and is for the sole use of the intended recipient(s). If you are not the intended recipient, you are asked not to distribute this message. If you are not the intended recipient, please delete it and contact the sender by reply e-mail. Thank you.



2020 FILING SCHEDULE

FOR MUNICIPAL, DISTRICT AND COUNTY POLITICAL PARTY COMMITTEES

PRIMARY ELECTION July 14, 2020		GENERAL ELECTION November 3, 2020
TYPE OF REPORT	FILING DEADLINE (11:59 P.M.)	REPORT PERIOD
July Semi-Annual Report	July 15, 2020	January 1, 2020 – June 30, 2020
11-Day Pre General Report	October 23, 2020	July 1, 2020 – October 20, 2020
January Semi-Annual Report	January 15, 2021	October 21, 2020 – December 31, 2020
<p>NOTE: Only party committees that raise more than \$1,500 or spend more than \$1,500 during the calendar year are required to file reports. The requirement to file is triggered when the committee exceeds \$1,500 in contributions or expenditures. The first report due after exceeding \$1,500 in contributions or expenditures is the next scheduled report. A committee's first report in a year should include all activity since the beginning of the year.</p>		
24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES		
24-HOUR REPORTING PERIOD		WHAT CONTRIBUTIONS SHOULD BE REPORTED
The reporting period begins 13 days before an election and runs through the day before the election.		Any <u>single</u> contribution of \$5,000 or more received during the reporting period.
WHEN TO FILE		WHAT EXPENDITURES SHOULD BE REPORTED
Within 24 hours, including Saturdays and Sundays, of receiving the contribution or making the expenditure, incurring the obligation, or placing the order. For Committees registered with the Ethics Commission, the reports may be filed electronically through the Commission's website.		Any <u>single</u> expenditure of \$1,000 or more made during the reporting period. Orders placed with or obligations made to vendors for goods or services are considered expenditures at the time the orders or obligations are made. Overhead costs, such as rent, taxes, utilities and some salary payments are not required to be reported.

IMPORTANT INFORMATION

All regular campaign finance reports are due by 11:59 p.m. on the due date. Committee treasurers must enter the required information and click "File Report" by 11:59 p.m. on the filing deadline.

Commission staff will be available until 5:00 p.m. on all filing deadlines to offer assistance. Failure to seek out timely assistance from staff regarding the filing of reports will not be considered a mitigating circumstance if a report is filed late.

Local Party Committee Penalties

I. Ethics Commission April 25, 2018 Meeting, Agenda Item #7 – Discussion of Late Filing Penalties

Mr. Wayne said that Mr. Lee had suggested having a discussion now – at the outset of an election year – about whether the Commission’s penalties should be higher in light of the 2015 citizen initiative which established higher penalty rates.

Mr. Nass said the staff memoranda outlining how the staff arrives at recommended penalties is helpful and usually includes reference to past penalties in similar matters. He asked Mr. Wayne if the staff intends to increase its recommended penalties in light of the 2015 citizen initiative. He said that the voters were clear that penalties should be higher. However, Mr. Nass said he still had concerns about the capacity for county and local party committees to pay larger penalties because they are unlikely to have any more funds than they have had in the past.

Mr. Lee said it was important to carry out the voters’ intent as expressed in the 2015 citizen initiative. However, the Commission still has a high degree of discretion when deciding whether to waive or reduce penalties. He said it was also important for regulated entities to have some degree of predictability regarding the range of penalties imposed for various violations.

In response to a question from Mr. Pattershall, Mr. Wayne confirmed that the citizen initiative increased the rate at which a penalty would accrue each day a report was late. It did not change the ability of the Commission to waive or reduce penalties or change the criteria for doing so.

Mr. Lee said the standard penalty in routine cases should be higher in light of the citizen initiative, but that does not necessarily mean the penalties should double.

Ms. Lowry asked Mr. Wayne if this discussion has provided him with guidance about how to proceed with respect to the staff’s recommended penalties. He said he understands the consensus to be that recommended penalties should be higher. However, he thought there was still reason to exercise discretion in recommending penalties for the county and local party committees and small political action committees and ballot question committees.

Mr. Nass and Mr. Lee said they would like to see Mr. Wayne continue to include the history of past penalties in the staff's memoranda.

Mr. Lee said the consensus of the Commissioners is that the staff's recommended penalties for routine violations would likely double but the penalties for county and local party committees and small political action committees and ballot question committees may not be increased as much given their particular circumstances.

II. Ethics Commission September 28, 2017 Meeting, Agenda Item #3 – Request for Waiver of Late-Filing Penalty – Brunswick Town Democratic Committee

Mr. Wayne stated that the Brunswick Town Democratic Committee filed 2017 July Semiannual Report thirteen days late. The committee's treasurer was new and misunderstood the filing requirements. Because the treasurer was new and the committee had not provided her contact information to the Commission staff, she did not get the filing reminder notice. Mr. Wayne said the transactions reported late were related to charitable causes, not to any political campaign. The staff recommended a penalty reduction to \$100.

Mr. Lee moved that the Commission reduce the statutorily calculated penalty to \$100 because of the presence of mitigating circumstances as stated in the statute. Ms. Lowry seconded. Motion passed (5-0).

III. Ethics Commission April 18, 2017 Meeting, Agenda Item #2 – Request for Waiver of Late-Filing Penalty – Yarmouth Republican Town Committee

Mr. Wayne said the Yarmouth Republican Town Committee (the Committee) raised or spent more than \$1,500 in 2016 which triggered the requirement to file campaign finance reports for the 2016 election cycle. The Committee filed all campaign finance reports on time for the first half of 2016. Both the treasurer and chair resigned just prior to the October 28th filing deadline for the 11-Day Pre-General Report leaving the Committee with no one to file the remaining reports. The 11-Day Pre-General Report and the January Semiannual Report were both filed on February 17th, 112 days and 31 days late, respectively.

Sam Eddy, treasurer for the Committee, and William Gardiner, chair for the Committee, appeared before the Commission. Mr. Eddy said the late filings occurred because the former

treasurer abruptly left the state for an employment opportunity prior to the October filing deadline and the Committee had no access to the records he maintained. He said shortly after the treasurer resigned, the chair also resigned because of increased business demands.

Ms. Matheson asked when Mr. Eddy was appointed as treasurer. Mr. Eddy said he was sworn in at the end of January and the new chair was sworn in at the end of February.

Mr. Lee asked why the first late-filing was not caught sooner. Mr. Wayne said staff attempted to contact the Committee but because both the treasurer and chair had left, the contact information on file was no longer valid.

Mr. Lee asked if the violations had been combined when calculating the penalty. Mr. Wayne said staff had treated the violations as a first offense because both late filings were the result of a single event.

Ms. Matheson said the mitigating factors in this case were similar to the mitigating factors in the Androscoggin County Republican Committee, without the malfeasance. She said she was inclined to reduce the combined penalties to \$100.

Mr. Lee made a motion to find a violation but reduce the statutorily calculated penalty for the 11-Day Pre-General report to \$75 and reduce the statutorily calculated penalty for the January Semiannual Report to \$25. Mr. Nass seconded the motion. Motion passed (5-0).

IV. Ethics Commission April 18, 2017 Meeting, Agenda Item #7 – Request for Waiver of Late-Filing Penalty – Waldoboro Republican Town Committee

Mr. Wayne said the Waldoboro Republican Town Committee (the Committee) made five contributions to candidates in August and September 2016 and was required to file the 11-Day Pre-General Report on October 28th and the January Semiannual Report on January 17th. The 11-Day Pre-General Report and the January Semiannual Report were both filed on February 3rd, 99 days and 17 days late, respectively.

Gordon Webster, treasurer for the Committee, appeared before the Commission. Mr. Webster said he has been the treasurer for the Committee for the past 12-15 years. He said he does not personally receive the postcard reminders but someone on the Committee usually shares them with him.

Ms. Matheson asked if the Committee had ever filed reports with the Commission. Mr. Webster said they had not but they had raised more money than anticipated this year. Ms. Matheson said the recommended penalties seemed commensurate with other similar violations. Mr. Webster said this was his fault and he did not have a problem with the recommended penalties.

Mr. Nass made a motion to find a violation but reduce the statutorily calculated penalty for the 11-Day Pre-General report to \$100 and reduce the statutorily calculated penalty for the January Semiannual Report to \$50. Mr. Lee seconded the motion. Motion passed (5-0).

Title 21-A Maine Revised Statutes

Current with the Second Regular Session and Chapter 2 of the Revisor's Report for the 129th Maine Legislature.

§ 1013-A. Registration

...

3. Party committees. The district, county and municipal committees of parties shall submit to their state party committees the names, mailing addresses and e-mail addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 10 days after the appointment, election or hiring of these persons. Municipal committees shall file copies of the same information with the municipal clerk. No later than June 15th of each year in which a general election is scheduled, the state party committee shall submit to the commission a consolidated report of the names, mailing addresses and e-mail addresses of the chair and treasurer of the district, county and municipal committees of that party or of another officer if a chair or treasurer has not been appointed.

...

§ 1017-A. Reports of contributions and expenditures by party committees

...

4-B. Filing schedule for municipal, district and county party committees. Municipal, district and county party committees shall file reports according to the following schedule.

A. Reports filed during an election year must be filed with the commission by 11:59 p.m. on:

- (1) July 15th and be complete as of June 30th;
- (2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and
- (3) January 15th and be complete as of December 31st.

B. Reports filed during a nonelection year must be filed by 11:59 p. m. on:

- (1) July 15th and be complete as of June 30th; and
- (2) January 15th and be complete as of December 31st.

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before a general or special election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee 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.

...

5. Penalties. A party committee is subject to the penalties in section 1020-A, subsection 4-A.

6. Notice; forms. A state party committee shall notify all county, district and municipal party committees of the same political party of the party committee reporting requirements. The party committees shall obtain the necessary forms from the commission to complete the filing requirements.

7. Exemption. Any party committee receiving and expending less than \$ 1,500 in one calendar year is exempt from the reporting requirements of this section for that year.

...

§ 1020-A. Failure to file on time

...

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 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. Repealed. Pursuant to its terms, eff. Aug. 1, 2002.

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 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

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. Repealed. Pursuant to its terms, eff. Aug. 1, 2002.

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

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

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

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

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

E. Repealed. Laws 2011, c. 558, § 5.

...