



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

To: Commission  
From: Jonathan Wayne, Executive Director  
Date: July 10, 2020  
Re: Complaint against Stan Gerzofsky – Late Campaign Finance Report

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This matter concerns a campaign finance report that was filed two days late by State Senate candidate Stan Gerzofsky, which subsequently needed to be amended because the report as originally filed omitted four payments. Mr. Gerzofsky is running in the July 14, 2020 primary election to become the Democratic nominee for State Senate, District #24, covering Brunswick, Freeport and other neighboring communities. He is financing his campaign through traditional campaign contributions.

Mr. Gerzofsky was required to file his first campaign finance report on Monday, July 6, which would cover all contributions received and all expenditures made through June 30.<sup>1</sup> His treasurer, Sara Randall, filed the report on the evening of Wednesday, July 8, which was two days late. The only expenditures in the report were five payments during March and April to a local newspaper, The Cryer, totaling \$2,315.63.<sup>2</sup>

This afternoon, the Commission received the attached complaint from five residents of Brunswick alleging that the report “grossly under-reported” Mr. Gerzofsky’s payments to The Cryer. The complainants estimate that Mr. Gerzofsky paid at least \$2,679.39 more to The Cryer that he did not report. They urge the Commission to take action prior to the July 14, 2020 primary election, including by assessing triple penalties because the violation occurred less than 14 days before the election. Their complaint is attached for your reference. This memo was prepared in the limited time available to provide you

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<sup>1</sup> The State of Maine was closed Friday, July 3 to observe the Independence Day holiday.

<sup>2</sup> One of these expenditures (\$600) was erroneously entered twice. After speaking to the candidate, Candidate Registrar Emma Burke deleted one of the duplicates.

with background and legal information necessary to consider the complaint at a meeting to be held on July 13.

### **Relevant Law and Penalty Procedures**

Candidates for the State Senate are required to file a campaign finance report 11 days before the election. 21-A M.R.S. § 1017(3-A). Candidates are required to report all of their expenditures during the report period. 21-A M.R.S. § 1017(5).

A campaign finance report is considered timely filed if it substantially conforms to the disclosure requirements in Maine's campaign finance law. 21-A M.R.S. § 1020-A(2). The Legislature has set out a procedure for assessing penalties if a candidate files a campaign finance report late. Under 21-A M.R.S. § 1020-A(6), if a report is submitted after the deadline, the Commission staff is directed by statute to notify the candidate of the preliminary penalty and the opportunity to request a determination (*i.e.*, a waiver) within two weeks based on mitigating circumstances defined in the statute. Alternatively, the candidate may pay the penalty.

If the Commission staff becomes aware that a report does not substantially conform to the disclosure requirements, the staff considers the report to be late. The staff notifies the candidate that the original report was deemed late and notifies the candidate of the opportunity to request a waiver of the preliminary penalty.

### **Staff Analysis**

Due to the timing of the complaint, Mr. Gerzofsky will not be submitting a written response, but he plans to participate in the July 13 meeting to explain the late filing. In a conversation this afternoon with Candidate Registrar Emma Burke, he acknowledged making payments to The Cryer that were not in the original report. He made one payment with campaign funds that his treasurer did not report. Because The Cryer had not yet cashed that check, the payment did not appear in the bank statements reviewed by his treasurer. He also made three payments to The Cryer with personal funds, and he hopes to be repaid by his campaign.<sup>3</sup>

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<sup>3</sup> Traditionally financed candidates may finance a campaign purchase using this procedure.

*Amended report.* Stan Gerzofsky authorized Emma Burke to file an amended version of the report on his behalf (attached). Ms. Burke deleted the duplicate \$600 expenditure, and added four expenditures to The Cryer in May and June. She also entered the receipt of loans by the campaign from the candidate. After the amendment, Schedule B shows that Mr. Gerzofsky has paid The Cryer a total of \$4,837.52 for campaign advertising. This corresponds to the total payments in the attached bookkeeping document that I received directly from the publisher of The Cryer, Charles Crosby.

*Late-filing penalties.* In the view of the Commission staff, there are two aspects to this failure to file a complete campaign finance report:

- the original report was filed two days late on Wednesday, July 8.
- the report was not substantially complete until it was amended on July 10 (today).

After conferring with Emma Burke, we recommend that the preliminary penalties be

- \$112.00 for filing the original report two days late on July 8, plus
- an additional \$249.75 or \$499.50 for the omitted expenditures that were not reported until today – we believe the Commission has the option of viewing this as part of the first violation (calculated at 2%) or a second violation (at 4%).

I expect that Mr. Gerzofsky will not dispute that the report was late and incomplete. He would appreciate an opportunity to explain the circumstances and may wish to request a waiver of the preliminary penalties (depending how they are calculated).

One option for your July 13 meeting is to make a finding that 11-day pre-primary report was filed late and was substantially incomplete, and defer consideration of the penalties until Mr. Gerzofsky has an opportunity to request a waiver (for example, at your August 11 meeting). That option would be consistent with the late filing procedures in 21-A M.R.S. § 1020-A, and you could consider whether to consider triple penalties at that time. Alternatively, you could consider whether it is fair to assess a late-filing penalty at your July 13 meeting. Thank you for your consideration of this item.

# ORIGINAL REPORT



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

## 2020 CAMPAIGN FINANCE REPORT FOR PRIVATELY FINANCED CANDIDATES

COMMITTEE	TREASURER	
Hon. Stan J Gerzofsky 3 Federal Street Brunswick, ME 04011 PHONE:(207) 373-1328 EMAIL: stan1340@aol.com	Sara Randall 6 Starboard Lane Freeport, ME 04032 PHONE: EMAIL: sara.randall04032@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD
11-Day Pre-Primary Report	07/06/2020	01/01/2020 - 06/30/2020

### FINANCIAL ACTIVITY SUMMARY

RECEIPTS	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH CONTRIBUTIONS FOR THE PRIMARY ELECTION (SCHEDULE A)	\$2,800.00	\$2,800.00
1A. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION(SCHEDULE A) <i>For party candidates, general election contributions will only appear on this line after the primary.</i>		
1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)		
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$0.00	\$0.00
4. TOTAL RECEIPTS	\$2,800.00	\$2,800.00
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$2,315.63	\$2,315.63
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$2,315.63	\$2,315.63
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$2,800.00	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$2,315.63	
11. CASH BALANCE AT END OF PERIOD	\$484.37	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$0.00	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION)	\$0.00	\$0.00

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

REPORT FILED BY: Sara Randall  
 REPORT FILED ON: 7/8/2020 8:25:41 PM  
 LAST MODIFIED:  
 COMMITTEE ID: 360589

**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	ELECTION	AMOUNT
2/22/2020	Rick Sharp 116 Waybury Rd Colchester, VT, 05446	Attorney at Law Attorney/Legal	1	Primary	\$100.00
2/24/2020	Ruth Masters 116 Waybury Rd Colchester, VT, 05446	unknown unknown	1	Primary	\$100.00
3/5/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$100.00
3/11/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
3/12/2020	Elizabeth Pierce 32 Maxfield Lane White River JCT, VT, 05001	State of Vermont General Business	1	Primary	\$100.00
3/25/2020	Charlene Denton UNKNOWN UNKNOWN, ME, 04401	unknown Office and Administrative Occupations	1	Primary	\$100.00
3/25/2020	Stan Gerzofsky 3 Federal St Brunswick, ME, 04011	Retired Government/Civil	1	Primary	\$100.00
3/26/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
3/29/2020	Claire M. Patrick 206 Strafford Aven Rumford, ME, 04276	unknown unknown	1	Primary	\$100.00
3/29/2020	John Patrick 206 Strafford Ave Rumford, ME, 04276	State of Maine Government/Civil	1	Primary	\$100.00

# ORIGINAL REPORT

4/2/2020	Jeffrey & Pierce unknown Bar Harbor, ME, 04609	State of Maine Government/Civil	1	Primary	\$100.00
4/4/2020	Steven and Susan Weems 44 THOMPSON ST BRUNSWICK, ME, 04011	unknown unknown	1	Primary	\$100.00
4/9/2020	Bruce Bryant PO Box 643 Dixfield, ME, 04224	unknown Real Estate Professional	1	Primary	\$100.00
4/29/2020	Brenda and James McHigh 125 HIGHLAND TERRACE MEXICO, ME, 04257	unknown unknown	1	Primary	\$100.00
5/13/2020	Bruce Bryant 166 Albion Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$100.00
5/18/2020	James and Suzanne Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/18/2020	James Howard 2 Main St Topsham, ME, 04086	Business owner General Business	1	Primary	\$100.00
5/18/2020	Parker Howard 54 Beechwood Dr Topsham, ME, 04086	unknown unknown	1	Primary	\$100.00
5/20/2020	Bill Diamond 10 Crown Point Windham, ME, 04062	State of Maine Government/Civil	1	Primary	\$150.00
5/27/2020	Dion Law LLC 91 J Auburn St Portland, ME, 04103		3	Primary	\$100.00
6/1/2020	David Miramont 174 Mountain Rd Camden, ME, 04843	State of Maine Government/Civil	1	Primary	\$100.00
6/18/2020	Dawn Hill 124 PINE HILL RD CAPE NEDDICK, ME, 03902	State of Maine Healthcare/Medical	1	Primary	\$300.00
6/19/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$300.00
6/23/2020	William Moore 228 Old Portland Rd Brunswick, ME, 04011	unknown unknown	1	Primary	\$50.00
<b>TOTAL CASH CONTRIBUTIONS FOR PRIMARY</b>					\$2,800.00
<b>TOTAL CASH CONTRIBUTIONS FOR GENERAL</b>					\$0.00

# ORIGINAL REPORT

## SCHEDULE B EXPENDITURES

EXPENDITURE TYPES				
APP	Apparel (t-shirts, hats, embroidery, etc.)	CON	Contribution to party committee, non-profit, other candidate, etc.	
EQP	Equipment of \$50 or more (computer, tablet, phone, furniture, etc.)	EVT	Campaign and fundraising events (venue or booth rental, entertainment, supplies, etc.)	
FOD	Food for campaign events or volunteers, catering	HRD	Hardware and small tools (hammer, nails, lumber, paint, etc.)	
LIT	Printed campaign materials (palmcards, signs, stickers, flyers, etc.)	MHS	Mail house and direct mail (design, printing, mailing, and postage all included)	
NEW	Newspaper and print media ads only	OFF	Office supplies, rent, utilities, internet service, phone minutes and data	
ONL	Social media and online advertising only	OTH	Other and fees (bank, contribution, and money order fees, etc.)	
PER	Personnel and campaign staff, consulting, and independent contractor costs	PHO	Phones (phone banking, robocalls and texts)	
POL	Polling and survey research	POS	Postage for U.S. Mail and mail box fees	
PRO	Professional services (graphic design, legal services, web design, etc.)	RAD	Radio ads, production costs	
TKT	Entrance cost to event (bean suppers, fairs, party events, etc.)	TRV	Travel (fuel, mileage, lodging, etc.)	
TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ad	NEW	\$75.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$500.00
4/21/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	april balance ads	NEW	\$540.63
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$2,315.63</b>

# AMENDED REPORT



Commission on Governmental Ethics and Election Practices  
 Mail: 135 State House Station, Augusta, Maine 04333  
Office: 45 Memorial Circle, Augusta, Maine  
 Website: [www.maine.gov/ethics](http://www.maine.gov/ethics)  
 Phone: 207-287-4179  
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## 2020 CAMPAIGN FINANCE REPORT

### FOR PRIVATELY FINANCED CANDIDATES

COMMITTEE	TREASURER	
Hon. Stan J Gerzofsky 3 Federal Street Brunswick, ME 04011 PHONE:(207) 373-1328 EMAIL: stan1340@aol.com	Sara Randall 6 Starboard Lane Freeport, ME 04032 PHONE: EMAIL: sara.randall04032@gmail.com	
REPORT	DUE DATE	REPORTING PERIOD
11-Day Pre-Primary Report	07/06/2020	01/01/2020 - 06/30/2020

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1B. CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY (Not shown on Schedule A of this report)		
2. OTHER CASH RECEIPTS (INTEREST, ETC)	\$0.00	\$0.00
3. LOANS (SCHEDULE C)	\$2,081.26	\$2,081.26
4. TOTAL RECEIPTS	\$4,881.26	\$4,881.26
EXPENDITURES		
5. EXPENDITURES (SCHEDULE B)	\$4,837.52	\$4,837.52
6. LOAN REPAYMENTS (SCHEDULE C)	\$0.00	\$0.00
7. TOTAL PAYMENTS	\$4,837.52	\$4,837.52
CASH SUMMARY		
8. CASH BALANCE AT BEGINNING OF PERIOD	\$0.00	
9. PLUS TOTAL RECEIPTS THIS PERIOD (LINE 4)	\$4,881.26	
10. MINUS TOTAL PAYMENTS THIS PERIOD (LINE 7)	\$4,837.52	
11. CASH BALANCE AT END OF PERIOD	\$43.74	
OTHER ACTIVITY		
12. IN-KIND CONTRIBUTIONS (SCHEDULE A-1)	\$0.00	\$0.00
13. TOTAL LOAN BALANCE AT END OF PERIOD (SCHEDULE C)	\$2,081.26	
14. TOTAL UNPAID DEBTS AT END OF PERIOD (SCHEDULE D)	\$0.00	
FOR PARTY CANDIDATES ONLY: CASH CONTRIBUTIONS FOR THE GENERAL ELECTION RAISED PRIOR TO PRIMARY ELECTION (INCLUDED IN LINE 1A AFTER PRIMARY ELECTION)	\$0.00	\$0.00

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

REPORT FILED BY: EMMA BURKE on behalf of Sara Randall  
 REPORT FILED ON: 7/8/2020 8:25:41 PM  
 LAST MODIFIED: 7/10/2020 3:20:50 PM  
 COMMITTEE ID: 360589

# AMENDED REPORT

## SCHEDULE A CASH CONTRIBUTIONS

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6/18/2020	Dawn Hill 124 PINE HILL RD CAPE NEDDICK, ME, 03902	State of Maine Healthcare/Medical	1	Primary	\$300.00
6/19/2020	Charles Wallace 501 Mere Point Rd Brunswick, ME, 04011	Resource Systems Engineering Engineer	1	Primary	\$300.00
6/23/2020	William Moore 228 Old Portland Rd Brunswick, ME, 04011	unknown unknown	1	Primary	\$50.00
<b>TOTAL CASH CONTRIBUTIONS FOR PRIMARY</b>					\$2,800.00
<b>TOTAL CASH CONTRIBUTIONS FOR GENERAL</b>					\$0.00

# AMENDED REPORT

## SCHEDULE B EXPENDITURES

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TVN	TV/cable ads, production, and media buyer costs only	WEB	Website and internet costs (website domain and registration, etc.)	
DATE OF EXPENDITURE	PAYEE	REMARK	TYPE	AMOUNT
3/26/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$600.00
<del>3/26/2020</del>	<del>The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011</del>	<del>ads</del>	<del>NEW</del>	<del>\$600.00</del> DELETED 07/10/2020
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ad	NEW	\$75.00
4/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	ads	NEW	\$500.00
4/21/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	april balance ads	NEW	\$540.63
5/8/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Ad	NEW	\$500.00
5/19/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Ad	NEW	\$500.00
6/11/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Balance of May ads	NEW	\$1,081.26
6/25/2020	The Town Cryer 135 MAIN ST #253 BRUNSWICK, ME, 04011	Cryer Ad	NEW	\$1,040.63
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				<b>\$4,837.52</b>

# AMENDED REPORT

## SCHEDULE C LOANS/LOAN PAYMENTS

LOAN TRANSACTIONS FOR THIS REPORTING PERIOD						
Lender	Type	Original Loan Date	Original Loan Amount	Activity Date	Loan Activity	Activity Amount
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/08/2020	\$500.00	5/8/2020	Loan - Paid The Cryer with personal funds	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/19/2020	\$500.00	5/19/2020	Loan - Paid The Cryer with personal funds	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	06/11/2020	\$1081.26	6/11/2020	Loan - Paid The Cryer with personal funds	\$1081.26
LOAN ACTIVITY FOR THIS CAMPAIGN						
Lender	Type	Original Loan Date	Original Loan Amount	Total Payment Amount	Total Forgiveness Amount	Loan Balance
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/08/2020	\$500.00	\$0.00	\$0.00	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	05/19/2020	\$500.00	\$0.00	\$0.00	\$500.00
Stan Gerzofsky	Candidate/ Spouse/ Domestic Partner	06/11/2020	\$1081.26	\$0.00	\$0.00	\$1081.26
<b>TOTAL LOAN BALANCE AT END OF REPORTING PERIOD</b>						<b>\$2081.26</b>

Friday, July 10, 2020

To: Jonathan Wayne – Executive Director, Commission on Governmental Ethics

From: Charles Crosby Publisher, DBA The Cryer, 135 Maine Street, #253 Brunswick, ME 04011

RE: Per your request about advertising placed by Stan Gerzofsky in The Cryer

Accounting for Advertising  
March 2020 – July 2020 Cryer

Ads placed by Stan Gerzofsky

March 2020 - Half Page Color on Page 9	\$ 675.00
April 2020 - Full Page Color on Page 7	\$1,040.63
May 2020 - Full Page Color on Page 5	\$1,040.63
June 2020 - Full Page Color on Page 5	\$1,040.63
July 2020 - Full Page Color on Page 5	\$1,040.63
<b>Total PAID:</b>	<b>\$4,837.52</b>

Paid in Full

## 21-A M.R.S. § 1002

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1002. Meetings of commission

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**1. Meeting schedule.** The commission shall meet in Augusta for the purposes of this chapter at least once per month in any year in which primary and general elections are held. In the 28 days preceding an election, the commission shall meet in Augusta within 2 business days of the filing of any complaint with the commission, unless the complainant and respondent agree otherwise. Regardless of whether the complainant or respondent agree, the commission may defer until after the election considering complaints determined by the chair to involve allegations of minor violations of this chapter or chapter 14, such as disclaimer statements omitted from campaign signs or transactions of less than \$ 100 omitted from campaign finance reports.

....

## 21-A M.R.S. § 1003

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1003. Investigations by commission

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**1. Investigations.** The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. ...



**2. Investigations requested.** A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

....

## 21-A M.R.S. § 1004-C

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1004-C. Enhanced penalties for violations with aggravating circumstances

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Notwithstanding any maximum penalty otherwise set forth in this chapter, when assessing a penalty or monetary sanction, the commission may double the authorized penalty or monetary sanction for a violation occurring less than 28 days prior to an election day and may triple the authorized penalty or monetary sanction for a violation occurring less than 14 days prior to an election day.

## 21-A M.R.S. § 1012

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1012. Definitions

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#### 3. **Expenditure.** The term “expenditure:”

##### A. Includes:

 (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

 (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

##### B. Does not include:

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## 21-A M.R.S. § 1017

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1017. Reports by candidates

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**3-A. Other candidates.** A treasurer of a candidate for state or county office other than the office of Governor shall file reports with the commission and municipal candidates shall file reports with the municipal clerk as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

**A.** In any calendar year in which an election for the candidate's particular office is not scheduled, when any candidate or candidate's political committee has received contributions in excess of \$500 or made or authorized expenditures in excess of \$500, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

**B.** Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 14th day before the election.

....

**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 and address 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 shall 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.

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## 21-A M.R.S. § 1020-A

Current with the Second Regular Session of the 129th Maine Legislature.

### § 1020-A. Failure to file on time

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**1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$100. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.



**2. Campaign finance reports.** A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;
- B. An error by the commission staff;
- C. Failure to receive notice of the filing deadline; or
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service.

**3. Municipal campaign finance reports.** Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

**4. 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.



**6. Request for a commission determination.** If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the

candidate or political committee of the staff finding of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

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