

Agenda

Item #3



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

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: May 16, 2014

Re: Proposed Finding of Violation and Penalty against Candidates who have not Registered

Under 21-A M.R.S.A. § 1013-A(1)(A), candidates for state office are required to appoint a treasurer within 10 days of becoming a candidate and, within another ten days, register as a candidate with the Commission. Registration is not difficult. Only the candidate needs to sign the paper form. Some fields of information are not required. Candidates may now complete an electronic form on the Commission's website.

Most candidates are aware of the registration requirement through prior campaign experience or because they have heard about it from other candidates or the political parties. To date, 333 House candidates and 84 Senate candidates have registered (in addition to roughly 80 or so county candidates).

Candidates who are enrolled in a political party were required to qualify for the ballot by March 17, 2014 by filing nominating petitions with the Secretary of State. So, these party candidates are now late in registering with the Commission.

Prior to and since the March 17 deadline, the Commission staff has diligently tried to get all 2014 candidates for county, legislative, and gubernatorial office registered by sending packets of forms, notices and guidebooks, and even sometimes by calling (when phone numbers are easily accessible). Some sample letters are attached. The first notices were sent around March 18, the second notice was sent on April 11, and the final notice was sent on May 2, 2014.

Currently, the following candidates for the Maine House of Representatives and Senate have not registered. An unknown number (probably only a few, at most) may seriously run in the general election. Some may have been recruited by local party activities to run as "placeholder" or "paper candidates," with the understanding that they will withdraw after the June 10, 2014 primary election. This reserves a line on the general election ballot for the party's eventual nominee.

Benjamin Bryant (House)
Mark Stevens (House)
Katherine Watson (House)
Ashley Ryan (House)
Benjamin Schattenburg (House)
Danielle Unterreiner (Senate)
Michael Vaughan (House)

We will continue to encourage these candidates to register by May 28 and will provide you with an update at or before the meeting. If they do not register by May 28, the staff will recommend that the candidates be found in violation of 21-A M.R.S.A. § 1013-A(1)(A).

We recommend the assessment of a penalty of \$10, pursuant to 21-A M.R.S.A. § 1020-A(1).

We regret taking your time up with this matter but sometimes public attention is necessary to focus candidates' attention on their responsibilities.

Thank you.



2014 CANDIDATE REGISTRATION

Notice: Changes to registration information must be filed within 10 days in writing or by e-mail to the Commission.

Is this an amendment? Yes No

1. CANDIDATE INFORMATION		
Are you running as a (check one): <input type="checkbox"/> Maine Clean Election Act candidate <input type="checkbox"/> traditionally financed candidate		
Title <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Dr. <input type="checkbox"/> Honorable	Party affiliation	Office sought & District #
Name: First	MI or Middle Name	Last
Mailing address		County (if applicable)
City		Zip code
E-mail (required)	Fax	Public Phone
		Primary Phone - For Commission Use Only
		Alternate Phone

2. TREASURER INFORMATION		
Name: First	MI or Middle Name	Last
Mailing address		Primary Phone - For Commission Use Only
City	Zip code	Public Phone
E-mail (required)		Fax

DESIGNATION OF TREASURER: A candidate for office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and for filing reports. A MCEA candidate may serve as treasure for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A))

2A. DEPUTY TREASURER INFORMATION		
Name: First	MI or Middle Name	Last
Mailing address		Primary Phone - For Commission Use Only
City	Zip code	Public Phone
E-mail (required)		Fax

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer and notify the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A MCEA candidate may serve as deputy treasure for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A)) (21-A MRSA § 1013-A (1)(A)(1))

3. AUTHORIZED AGENT INFORMATION		
Name	Phone	Email (required)
Name	Phone	Email

DESIGNATION OF AUTHORIZED AGENT (optional): Please use this section to designate individuals, other than the treasurer and deputy treasurer, authorized to file reports on your behalf.

4. POLITICAL COMMITTEE INFORMATION		
Name	Phone	
Address of campaign headquarters	City	Zip code

DESIGNATION OF POLITICAL COMMITTEE (optional): The candidate may form a political or campaign committee. Within 10 days of forming the committee and before accepting contributions, making expenditures or incurring obligations, the candidate must:

- appoint a treasurer (the candidate may have only one treasurer who is listed in Section 2) and
- register the committee and its officers, if any are appointed, with the Commission. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name	Title	Phone
Mailing address	City	Zip code
		E-mail

Name	Title	Phone
Mailing address	City	Zip code
		E-mail

5. CERTIFICATION	
I, _____, certify that the information in this registration is true, (Print Candidate's Full Name)	
accurate and complete.	
Signature of Candidate _____	Date _____

6. FOR COUNTY CANDIDATES ONLY	
<p>REPORTING EXEMPTION REQUEST: A candidate for county office may request an exemption from the obligation to appoint a treasurer and file campaign finance reports if the candidate does not accept any cash or in-kind contributions or make any expenditures for his or her campaign. You cannot request a reporting exemption if you use your or your spouse's/domestic partner's personal funds to pay for your campaign expenses. To request an exemption, complete the statement below and sections 1 & 5, have the form notarized, and submit it to the Commission.</p>	
<p>STATEMENT OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.</p>	
Signature of county candidate _____	Date _____
Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____.	
Signature of Notary/Attorney-at-law _____ (Seal is optional)	My commission expires _____ (Date)
<p>REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.</p>	



STATE OF MAINE
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AUGUSTA, MAINE
04333-0135

Form for
First Notice
(candidate
name was
entered)

To: Name of Unregistered Candidate
From: Name of Candidate Registrar
Date: March 17, 2014
Re: Registering with the Ethics Commission

You are listed as a 2014 candidate for the Legislature with the Secretary of State's office. The Maine Election Law requires that candidates also register with the Ethics Commission. This letter is to provide you with the forms for registering as a candidate.

I have enclosed two "Getting Started" packets. Use either the green or blue packet depending on how you are financing your campaign:

- *Maine Clean Election Act candidates (GREEN packet)*. If you wish to participate in the Maine Clean Election Act program, please use the forms in the green packet. In addition to the Registration form, make sure that you complete and sign the Declaration of Intent to Seek Certification as a Maine Clean Election Act Candidate (DOI) within five business days of when you begin to collect \$5 qualifying contributions. Any qualifying contributions collected more than five business days prior to the Commission receiving the DOI will not be counted. Please also complete the Vendor Form, EFT/Direct Deposit form and include a voided, pre-printed check from your campaign bank account.
- *Traditionally financed candidates (BLUE packet)*. If you are accepting campaign contributions to pay for your campaign, please use the forms in the blue packet. At a minimum, please make sure you file the registration form and Voluntary Expenditure Limits form.

Please mail the completed forms to the Commission – the original signed forms are required. We also ask that you call our office at 287-4179 to receive a 2014 Candidate Guidebook. The book explains the campaign finance reports that you will be required to file as a legislative candidate. When you call, please let us know whether you will be in the Maine Clean Election Act program or will be traditionally financed.

Also, please call our office if you have other questions. Our website (www.maine.gov/ethics) has campaign forms and guides that you may find useful.

Thank you.

Name of Candidate Registrar
Candidate Registrar
Maine Commission on Governmental Ethics and Election Practices
State House Station #135
Augusta, ME 04333
(207) 287-4179 • candidate.registrar@maine.gov

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS



STATE OF MAINE
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Second
Notice

Second Notice

To: Unregistered Candidates
From: Jonathan Wayne, Executive Director
Date: April 11, 2014
Re: Registering with the Ethics Commission

You are listed as a candidate for the Legislature or for county office with the Secretary of State's office. The Maine Election Law requires that candidates also register with the Ethics Commission before raising or spending any money for their campaigns. In March, we sent you a "Getting Started" packet, but we did not receive a registration form from you.

This letter is to provide you again with the enclosed form for registering as a candidate. Please complete the Candidate Registration form and return them to our office. You may also go to www.maine.gov/ethics and click the "Register" link to register online. Please be aware if you register online you are still required to print, sign and return the registration materials to the Ethics Commission. We have included a stamped envelope for your convenience.

If you do not plan on raising or spending any money or if you intend on withdrawing from the race after the primary election, you still have to register and file campaign finance reports with the Commission. County candidates only may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you do not register as a candidate, the staff of the Commission will consider beginning an enforcement matter under which you could be found in violation for failing to register at the Commission's meeting on May 30, 2014.

If you have any questions about these requirements, please call our office at 287-4179. Our website (www.maine.gov/ethics) also has campaign forms and guides and other information you may find useful.

Thank you.

Enclosures

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



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

3rd Notice

May 2, 2014

Benjamin Bryant
23 Spring Street, Apt. 6
Belfast, ME 04915

Notice of Penalty for Failing to Register

Dear Mr. Bryant:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

If you do not register as a candidate by May 15, your name will be placed on the agenda of the Commission's May 28, 2014 meeting for a finding of legal violation and the assessment of a \$10 penalty. The easiest way to avoid a penalty is to register promptly, but you are welcome to attend the meeting to argue against the \$10 penalty and finding of legal violation. The meeting will be held at 9:00 a.m. at the Commission's office, 45 Memorial Circle, in Augusta.

County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,

Jonathan Wayne
Executive Director



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04333-0135

3rd Notice

May 2, 2014

Mark Stevens
9 Miecaskyl Drive
New Gloucester, ME 04260

Notice of Penalty for Failing to Register

Dear Mr. Stevens:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

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County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,

Jonathan Wayne
Executive Director

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



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3rd Notice

May 2, 2014

Katherine Watson
161 Maple Terrace
Pittsfield, ME 04967

Notice of Penalty for Failing to Register

Dear Ms. Watson:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

If you do not register as a candidate by May 15, your name will be placed on the agenda of the Commission's May 28, 2014 meeting for a finding of legal violation and the assessment of a \$10 penalty. The easiest way to avoid a penalty is to register promptly, but you are welcome to attend the meeting to argue against the \$10 penalty and finding of legal violation. The meeting will be held at 9:00 a.m. at the Commission's office, 45 Memorial Circle, in Augusta.

County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,

Jonathan Wayne
Executive Director

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3rd Notice

May 2, 2014

Ashley Ryan
45 Madison Street
Portland, ME 04101

Notice of Penalty for Failing to Register

Dear Ms. Ryan:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

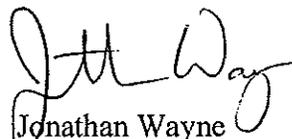
Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

If you do not register as a candidate by May 15, your name will be placed on the agenda of the Commission's May 28, 2014 meeting for a finding of legal violation and the assessment of a \$10 penalty. The easiest way to avoid a penalty is to register promptly, but you are welcome to attend the meeting to argue against the \$10 penalty and finding of legal violation. The meeting will be held at 9:00 a.m. at the Commission's office, 45 Memorial Circle, in Augusta.

County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,


Jonathan Wayne
Executive Director

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



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04333-0135

3rd Notice

May 2, 2014

Benjamin Schattenburg
114 Washington Avenue, # 3
Portland, ME 04101

Notice of Penalty for Failing to Register

Dear Mr. Schattenburg:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

If you do not register as a candidate by May 15, your name will be placed on the agenda of the Commission's May 28, 2014 meeting for a finding of legal violation and the assessment of a \$10 penalty. The easiest way to avoid a penalty is to register promptly, but you are welcome to attend the meeting to argue against the \$10 penalty and finding of legal violation. The meeting will be held at 9:00 a.m. at the Commission's office, 45 Memorial Circle, in Augusta.

County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,

Jonathan Wayne
Executive Director



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3rd Notice

May 2, 2014

Danielle Unterreiner
15 Powsland Street, #1
Portland, ME 04102

Notice of Penalty for Failing to Register

Dear Ms. Unterreiner:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

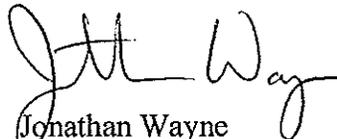
Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

If you do not register as a candidate by May 15, your name will be placed on the agenda of the Commission's May 28, 2014 meeting for a finding of legal violation and the assessment of a \$10 penalty. The easiest way to avoid a penalty is to register promptly, but you are welcome to attend the meeting to argue against the \$10 penalty and finding of legal violation. The meeting will be held at 9:00 a.m. at the Commission's office, 45 Memorial Circle, in Augusta.

County candidates may request an exemption from filing campaign finance reports, if they do not plan to raise or spend any money. Please see Item 6 on the Candidate Registration form.

If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,


Jonathan Wayne
Executive Director

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775



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3rd Notice

May 2, 2014

Michael Vaughan
55 Emerson Road
Durham, ME 04222

Notice of Penalty for Failing to Register

Dear Mr. Vaughan:

This notice is to follow up on two letters sent to you previously, requesting that you register as a candidate with the Maine Ethics Commission. Because you have qualified for the primary election ballot as a legislative or county candidate, this is a legal requirement even if you are a placeholder candidate. (21-A M.R.S.A. § 1013-A(1)(A))

Our last letter to you (dated April 11), included a blank registration form and a stamped, return envelope. Please use that form to register as a candidate by Thursday, May 15. Or, go to www.maine.gov/ethics and click the "Register" link to register online.

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If you have any questions, please call our office at 287-4179 and ask to speak to a Candidate Registrar. Thank you.

Sincerely,

Jonathan Wayne
Executive Director

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FAX: (207) 287-6775

B. The communication is distributed through public advertising such as broadcast stations, cable television, newspapers and similar media, and through direct mail, telephone, electronic mail, publicly accessible sites on the Internet or personal delivery.

C. The treatment of all candidates in the communication is substantially similar, except for any requirement under federal law applicable to communications regarding federal candidates.

D. The content of the communication is limited to:

- (1) The identification of each candidate, with which pictures may be used;
- (2) The offices sought;
- (3) The offices currently held by the candidates;
- (4) The party affiliation of the candidates and a brief statement, including campaign slogans, about the party's or the candidates' positions, philosophy, goals, accomplishments or biographies;
- (5) Encouragement to vote for the candidates identified;
- (6) Information about voting, such as voting hours and locations; and
- (7) Campaign or party logos.

If the communication contains language outside the categories of this paragraph, it does not qualify as a party candidate listing.

21-A § 1013. Treasurer; political committees (REPEALED)

21-A § 1013-A. Registration

1. Candidates, their treasurers and political committees. A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

✓ [A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 4, paragraph A shall appoint a treasurer. The candidate may serve as treasurer, except that a participating candidate, as defined in section 1122, subsection 6, or a candidate certified in accordance with section 1125 may not serve as treasurer, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under chapter 14 until the candidate identifies another person to serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed

✓ [

Under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A candidate certified in accordance with section 1125 may not serve as deputy treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

- (1) The name of the committee;
- (2) The name and address of the committee's treasurer;
- (3) The name of the candidate who authorized the committee; and
- (4) The names and addresses of the committee's officers.

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

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;