



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

To: Commissioners  
From: Erin Gordon, Candidate Registrar  
Date: August 16, 2016  
Re: Request for Waiver of Late-Filing Penalty by Christine Powers

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State Representative Christine Powers (District 68) is running for re-election as a Maine Clean Election Act (MCEA) candidate. She had no opponent in the June 14, 2016 primary election. On July 26, 2016, all candidates for state office were required to file the 42-Day Post-Primary campaign finance report. Representative Powers' report was filed one day late, on July 27, 2016.

### **LEGAL REQUIREMENTS**

Candidates are required to file reports with the Commission no later than 11:59 p.m. on the 42<sup>nd</sup> day after the date on which an election is held, and reports must be complete as of the 35<sup>th</sup> day before that date. (21-A M.R.S.A. § 1017(3-A)(D)) If the candidate is late in filing a regularly scheduled campaign finance report, the amount of the penalty is set by a formula which takes into consideration a percentage of the total contributions or expenditures, whichever is greater, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A))

### **DISCUSSION**

Rep. Powers had an uncontested primary election, and her MCEA payment for the general election was issued on June 13, 2016. The report covered the seven-week period of June 1 to July 19, 2016. Her 42-Day Post-Primary Report was required to include her receipt of a \$5,000 MCEA payment for the general election (entered by the Commission staff in the e-filing system) and the candidate's June 22, 2016 payment of \$100.18 to Wal-Mart.

The e-filing system is designed so that candidates and committees may enter and save transactions in the system, without filing the reports. This design allows the candidate or committee to enter transactions over time during different sittings, and to review and double-check the report for completeness and accuracy before filing the report. The campaign finance reports are not filed until the candidate or committee treasurer takes the additional step of clicking the on-screen button to “File Report.” Once the report has been filed, the candidate or committee sees a confirmation screen containing a message that the report has been filed. Also, a PDF of the report is posted as “filed” to the filer’s secure data-entry site and to the public access site.

According to the waiver request submitted by the candidate, on the morning of July 26, 2016, the campaign treasurer, Alison Caulfield, logged into the Commission’s e-filing system, entered the payment to Wal-Mart, and saw an online message confirming that she had entered an expenditure. (A sample of these confirmation messages is attached). Due to inexperience, the treasurer did not realize that the report remained unfiled. She thought that she had filed the report. Our online system contains a log (attached) confirming that Ms. Caulfield logged in at 7:11 a.m. on July 26, 2016.

On the following day, July 27, Rep. Powers and Ms. Caulfield were notified by email that the report had not yet been filed. The candidate contacted the Commission staff and was advised that the report had not been filed. The treasurer logged in to file the report.

The preliminary penalty is calculated as follows:

<b>Report</b>	<b>Due Date</b>	<b>Financial Activity</b>	<b>Penalty Rate</b>	<b>Days Late</b>	<b>Preliminary Penalty</b>
42-Day Post-Primary	07/26/2016	\$5,000.00	2%	1	\$100.00

In her request for a waiver, Rep. Powers stated that her campaign treasurer believed she had filed the report successfully upon viewing the transaction confirmation on July 26. The candidate took responsibility for having left it to the last day, having misplaced the receipt for the single expenditure made in that period. Rep. Powers also stated that this is

her third time as a MCEA candidate and has never incurred a late-filing penalty before this report.

### **RECOMMENDATION**

The Commission staff recommends a reduction of the penalty to \$50, due to the inexperience of Ms. Caulfield and the limited harm to the public resulting from the late filing of the July report. Ms. Caulfield is a first-time treasurer. Her entry of the \$100.18 payment to Wal-Mart was the first transaction that she had entered in the e-filing system for this election cycle. Commission staff believes it is not unreasonable that Ms. Caulfield mistook the “successfully filed transaction” message for confirmation of the report having been filed. Additionally, staff believes the level of harm to the public is small because the report contained two transactions (the candidate’s receipt of \$5,000 in MCEA funds and the \$100.18 payment to Wal-Mart) and was filed the morning following the deadline with more than three months to go before the general election.

Thank you for your consideration of this memo.

Christine B. Powers  
280 Thompsons Point Road  
Naples, ME 04055

Erin Gordon  
Candidate Registrar  
State of Maine  
Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, ME 04333-0135

Dear Ms. Gordon:

I write to request reconsideration of the penalty regarding the 42-day Post-Primary Report that was due on 7/26/2016. I am aware that our filing was late, but I believe there is "relevant evidence that a bona fide effort was made to file the report on time."

Alison Caulfield, the treasurer for my campaign entered the only receipt of expenditure on the morning of July 26, 2016. We believed that the report was filed, as we received online confirmation that the expenditure was entered. We are not sure why the report did not file, and we did not realize the error until the morning of July 27 when Alison received an email from your office. She called me immediately and at 8:38 a.m. on the morning of July 27, I called you to report the error. At that time, you told me you could see that the treasurer for my campaign had logged in on the morning of July 26. Since we had just that one expense, and there is digital evidence that we logged in before the deadline and entered the expense, I hope it will be clear to you that it was our intent to file the report on time.

I am most grateful for access to funding for my campaign through the Clean Election Fund. This is the third time that I have had the honor of accessing those funds. I have not had any errors of this type in the past. It was my oversight that caused Alison to have to wait until the last day to file this expenditure as I had misplaced the receipt. I work a full-time and a part-time job in addition to my service in the legislature. A \$100 fine would be a hardship.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Christine Powers', with a long horizontal line extending to the right.

Christine Powers

cc: Alison Caulfield



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

## 2016 CAMPAIGN FINANCE REPORT

### FOR MCEA CANDIDATES

COMMITTEE		TREASURER	
Christine B Powers 280 Thompsons Pt Road Naples, ME 04055 PHONE: (207) 318-2511 EMAIL: powerscb@gmail.com		Alison Caulfield 6 Monroe Drive Naples, ME 04055 PHONE: (207) 693-3348 EMAIL: alisoncaulfield@twc.com	
REPORT	DUE DATE	REPORTING PERIOD	
42-DAY POST-PRIMARY REPORT	07/26/2016	06/01/2016 - 07/19/2016	

#### FINANCIAL ACTIVITY SUMMARY

CASH ACTIVITY		
	TOTAL FOR THIS PERIOD	TOTAL FOR CAMPAIGN
1. CASH BALANCE FROM LAST REPORT	\$500.00	
2. SEED MONEY CONTRIBUTIONS	\$0.00	\$225.00
3. MAINE CLEAN ELECTION ACT PAYMENTS & AUTHORIZATIONS	\$5,000.00	\$5,500.00
4. SALE OF CAMPAIGN PROPERTY (SCHEDULE E, PART 2)	\$0.00	\$0.00
5. OTHER CASH RECEIPTS (INTEREST, ETC.,)	\$0.00	\$0.00
6. MINUS EXPENDITURES (SCHEDULE B)	\$100.18	\$325.18
7. CASH BALANCE AT CLOSE OF PERIOD	\$5,399.82	
OTHER ACTIVITY		
8. IN-KIND SEED MONEY CONTRIBUTIONS	\$0.00	\$0.00
9. TOTAL UNPAID DEBTS AT CLOSE OF PERIOD (SCHEDULE D)	\$0.00	

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

REPORT FILED BY: Alison Caulfield  
REPORT FILED ON: 07/27/2016  
LAST MODIFIED: 07/27/2016  
PRINTED: 08/12/2016  
COMMITTEE ID: 9451

**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                           | 9 = Candidate / Candidate Committee    |
| 2 = Candidate/ Spouse/ Domestic Partner  | 10 = General Treasury Transfer         |
| 3 = Commercial Source                    | 11 = Transfer from Previous Campaign   |
| 4 = Nonprofit Organization               | 12 = Contributors giving \$50 or less  |
| 5 = Political Action Committee           | 13 = Contributors giving \$100 or less |
| 6 = Political Party Committee            | 14 = Contributors giving \$200 or less |
| 7 = Ballot Question Committee            | 15 = MCEA Payment                      |
| 8 = Other Candidate/ Candidate Committee | 16 = Financial Institution             |

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	TYPE	AMOUNT
6/13/2016	MCEA Payment		15	\$5,000.00
<b>TOTAL CASH CONTRIBUTIONS</b>				<b>\$5,000.00</b>

**SCHEDULE B  
EXPENDITURES**

<b>EXPENDITURE TYPES</b>				
CNS	Campaign consultants	POL	Polling and survey research	
CON	Contribution to other candidate, party, committee	POS	Postage for U.S. Mail and mail box fees	
EQP	Equipment (office machines, furniture, cell phones, etc.)	PRO	Other professional services	
FND	Fundraising events	PRT	Print media ads only (newspapers, magazines, etc.)	
FOD	Food for campaign events, volunteers	RAD	Radio ads, production costs	
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	SAL	Campaign workers' salaries and personnel costs	
MHS	Mail house (all services purchased)	TRV	Travel (fuel, mileage, lodging, etc.)	
OFF	Office rent, utilities, phone and internet services, supplies	TVN	TV or cable ads, production costs	
OTH	Other	WEB	Website design, registration, hosting, maintenance, etc.	
PHO	Phone banks, automated telephone calls			
<b>DATE OF EXPENDITURE</b>	<b>PAYEE</b>	<b>REMARK</b>	<b>TYPE</b>	<b>AMOUNT</b>
6/22/2016	WALMART 30 LANDING ROAD WINDHAM, ME 04062	TO PURCHASE A PRINTER AND PAPER FOR CAMPAIGN NEEDS.	EQP	\$100.18
<b>TOTAL EXPENDITURES FOR CANDIDATE:</b>				\$100.18

**SCHEDULE E  
CAMPAIGN EQUIPMENT/ PROPERTY INVENTORY**

CAMPAIGN PROPERTY/EQUIPMENT PURCHASED THIS REPORTING PERIOD			
DATE PURCHASED	DESCRIPTION OF PROPERTY OR EQUIPMENT	PURCHASE PRICE	
6/22/2016	TO PURCHASE A PRINTER AND PAPER FOR CAMPAIGN NEEDS.	\$100.18	
SALE OF CAMPAIGN PROPERTY/EQUIPMENT DURING THIS PERIOD			
DATE OF SALE	NAME AND ADDRESS OF PURCHASER	DESCRIPTION OF PROPERTY	SALE PRICE

ONGOING INVENTORY OF CAMPAIGN PROPERTY				
DESCRIPTION OF PROPERTY OR EQUIPMENT	DATE PURCHASED	PURCHASE PRICE	DATE SOLD	SALE PROCEEDS
TO PURCHASE A PRINTER AND PAPER FOR CAMPAIGN NEEDS.	6/22/2016	\$100.18		

**Sample Message: Expenditure successfully entered.**

Home	Enter / Amend Transactions	View / File Reports	Administration	Public Site	Log Off
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Expenditure Entry | v 20160302.1

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Welcome back: ERIN GORDON on behalf of Christine B Powers Last Login: Aug 15 2016 12:49PM

 Help with this page [My Admin Homepage](#)

 Expenditure has been successfully recorded.

[Step-by-Step — Enter/Amend Expenditures](#)

[Add Another Expenditure](#) [File Next Report](#) [Contributions](#)

[Return](#)

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**Event Log**

**Add**



Description	Event Date	Due Date	Notes	Inactive	Create User	Create Timestamp	Edit
User Login	7/27/2016 8:37:17 AM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	7/27/2016 8:37:17 AM	<a href="#">Edit</a>
User Login	7/27/2016 7:57:37 AM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	7/27/2016 7:57:37 AM	<a href="#">Edit</a>
User Login	7/26/2016 7:11:19 AM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	7/26/2016 7:11:19 AM	<a href="#">Edit</a>
User Login	7/24/2016 5:01:27 PM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	7/24/2016 5:01:27 PM	<a href="#">Edit</a>
User Login	6/2/2016 12:41:00 PM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	6/2/2016 12:41:00 PM	<a href="#">Edit</a>
User Login	6/2/2016 12:39:30 PM		USER ACAULFIELD9451 LOGGED IN.	<input type="checkbox"/>	Caulfield, Alison	6/2/2016 12:39:30 PM	<a href="#">Edit</a>
User Login	6/2/2016 9:52:45 AM		USER CPOWERS9451 LOGGED IN.	<input type="checkbox"/>	Powers, Christine	6/2/2016 9:52:45 AM	<a href="#">Edit</a>
Committee Information Changed	4/25/2016 2:17:15 PM		FINANCING STATUS CHANGED FROM: MCEA-PENDING TO: MCEA-QUALIFIED	<input type="checkbox"/>	GORDON, ERIN	4/25/2016 2:17:15 PM	<a href="#">Edit</a>
User Login	4/20/2016 2:19:51 PM		USER CPOWERS9451 LOGGED IN.	<input type="checkbox"/>	Powers, Christine	4/20/2016 2:19:51 PM	<a href="#">Edit</a>
User Login	4/20/2016 8:23:50 AM		USER CPOWERS9451 LOGGED IN.	<input type="checkbox"/>	Powers, Christine	4/20/2016 8:23:50 AM	<a href="#">Edit</a>

**Import Data File**

EDI FILERS:

7/27/2016 8:37:17 AM 7/27/2016 7:57:37 AM 7/26/2016 7:11:19 AM 7/24/2016 5:01:27 PM 6/2/2016 12:41:00 PM 6/2/2016 12:39:30 PM 6/2/2016 9:52:45 AM 4/25/2016 2:17:15 PM 4/20/2016 2:19:51 PM 4/20/2016 8:23:50 AM

July 28, 2016

Christine B. Powers  
280 Thompsons Point Road  
Naples, ME 04055

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

Dear Ms. Powers:

You were required to file the 42-Day Post-Primary Report on 07/26/2016 by 11:59 p.m., but the report was not filed until 07/27/2016. Under the Commission's statutes (21-A M.R.S.A. § 1020-A(4-A)) the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$100.00. Please see the next page for the penalty calculation.

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

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

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

Sincerely,



Erin Gordon  
Candidate Registrar

cc: Alison Caulfield

## PENALTY CALCULATION

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

### HOW YOUR PENALTY WAS CALCULATED

Filer: Christine B. Powers			
Late-Filed Report: 42-Day Post-Primary			
Contributions	\$5,000.00	Penalty Base Amount	\$5,000.00
Expenditures	\$100.18	Percentage	2%
Due Date	07/26/2016	Daily Accrual Rate	\$100.00
Date Filed	07/27/2016	Days Late	1
Previous Violations	0	Your Total Penalty	\$100.00

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### PAYMENT STATEMENT AND PAYMENT OPTIONS

**From:** Christine B. Powers

**Penalty Amount:** \$ 100.00

**Penalty ID:** N/A

**Amount Enclosed:** \_\_\_\_\_

**Check/M.O. #:** \_\_\_\_\_

**BY MAIL:** Enclose this payment statement with your payment so that it will be properly accounted for.

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

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

**ONLINE:** Go to [www.maine.gov/online/ethics/penalties](http://www.maine.gov/online/ethics/penalties). Please include the penalty ID so that your payment will be properly accounted for.

year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the treasurer of the candidate as of the end of the preceding month, except those covered by a previous report.

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

C. Any single contribution of \$1,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.



D. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date.

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office.

E. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph D must be reported as provided by this paragraph. The treasurer of a candidate with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

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

### **3-B. Accelerated reporting schedule. (REPEALED)**

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

of perjury, as provided in Title 17 A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

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

- A. An expenditure made by a person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents;
- B. A telephone survey that meets generally accepted standards for polling research and that is not conducted for the purpose of changing the voting position of the call recipients or discouraging them from voting;
- C. A telephone call naming a clearly identified candidate that identifies an individual's position on a candidate, ballot question or political party for the purpose of encouraging the individual to vote, as long as the call contains no advocacy for or against any candidate; and
- D. A voter guide that consists primarily of candidates' responses to surveys and questionnaires and that contains no advocacy for or against any candidate.

**21-A § 1020. Failure to file on time (REPEALED)**

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

**1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

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

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part;

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

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

**4. Basis for penalties. (REPEALED)**

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

-  A. For the first violation, 2%;
- B. For the 2nd violation, 4%; and
- C. For the 3rd and subsequent violations, 6%.

Any penalty of less than \$10 is waived.

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

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

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

**5. Maximum penalties. (REPEALED)**

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

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

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