



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: August 23, 2016
Re: Background Information on Late-Filing Penalties

For your reference in considering requests for waivers of late-filing penalties at the August 31 meeting, I have attached updated versions of information that I presented to the Commission in April:

- Chart #1 is a spreadsheet showing the waiver requests considered by the Commission during 2014-2016. The chart shows the preliminary penalty calculated according to the statutory formula and the final penalty determined by the Commissioners. (Please be aware that Chart #1 is limited to requests for waivers of late-filing penalties and does not include penalties assessed by the Commission for other types of violations, which can sometimes be significant.)
- Chart #2 includes all penalties assessed by the Commission against PACs, BQCs, or party committees that are \$5,000 or greater. These represent more serious reporting failures, and were sometimes brought to light by complaints from political opponents.

This is presented as background information for agenda items #3 through #14. Thank you for your consideration of this information.

Chart #1: Requests for Waiver of Late-Filing Penalties - 2014-2016

Filer Type	Name	Violation Type	Days Late	Preliminary Penalty	Final Penalty	Meeting Date
BQC	MAINE GUIDES BQC	Late filed regular CFR	61	\$5,520.50	\$0.00	04/30/14
BQC	MAINE GUIDES BQC	Failure to register as a BQC	61	\$5,520.50	\$0.00	04/30/14
BQC	MAINE TRAPPERS BQC	Late filed regular CFR	84	\$4,622.52	\$0.00	04/30/14
BQC	MAINE TRAPPERS BQC	Failure to register as a BQC	84	\$4,622.52	\$0.00	04/30/14
BQC	PROTEUS ACTION LEAGUE BQC	Substantial misreporting in CFR	102	\$253,547.87	\$15,000.00	04/27/16
Candidate	LEPAGE, PAUL	Over the limit contribution		\$0.00	\$0.00	04/30/14
Candidate	LEPAGE, PAUL	Late filed 24-Hour Report	41	\$5,000.00	\$500.00	08/27/14
Candidate	MICHAUD, MICHAEL	Over the limit contribution		\$0.00	\$0.00	07/31/14
Candidate	CUTLER, ELIOT	Late filed 24-Hour Report	54	\$4,662.30	\$200.00	01/23/15
Candidate	CUTLER, ELIOT	Late filed regular CFR	1	\$3,726.46	\$400.00	01/23/15
Candidate	GERRISH, KAREN	Late filed 24-Hour Report	45	\$465.75	\$100.00	08/27/14
Candidate	JUSKEWITCH, STEVEN	Late filed 24-Hour Report	48	\$736.00	\$150.00	08/27/14
Candidate	Lajoie, Dana	Late filed 24-Hour Report	48	\$979.20	\$100.00	08/27/14
Candidate	STEHLE, ALLEN	Late filed 24-Hour Report	40	\$800.00	\$0.00	08/27/14
Candidate	WILLETTE, MICHAEL	Late filed 24-Hour Report	47	\$632.15	\$50.00	08/27/14
Candidate	BROWN, PAIGE	Late filed regular CFR or IE report	6	\$283.44	\$100.00	09/24/14
Candidate	CAPEHART, GARY	Failure to file regular CFR or IE report	5	\$18.00	\$0.00	09/24/14
Candidate	VOLK, AMY	Substantial misreporting in CFR	23	\$3,413.89	\$100.00	09/24/14
Candidate	HICKS, ROGER	Late filed regular CFR	12	\$44.28	\$44.28	11/24/14
Candidate	BROWN, PAIGE	Impermissible expenditure		\$1,325.25	\$100.00	12/22/14
Candidate	LEWIS, BONNIE	Late filed regular CFR	1	\$84.75	\$47.77	12/22/14
Candidate	LEWIS, BONNIE	Late filed 24-Hour Report	1	\$159.25	\$47.77	12/22/14
Candidate	PAUL, RICHARD	Late filed 24-Hour Report	1	\$11.09	\$11.09	12/22/14
Candidate	SMITH, DONALD	Late filed 24-Hour Report	10	\$563.87	\$200.00	12/22/14
Candidate	BATES, DILLON	Substantial misreporting in CFR		\$5,119.70	\$150.00	01/23/15
Candidate	CLEVELAND, JOHN	Substantial misreporting in CFR	54	\$5,000.00	\$250.00	01/23/15
Candidate	DESENA, WILLIAM	Late filed 24-Hour Report	36	\$1,404.00	\$100.00	01/23/15
Candidate	DESENA, WILLIAM	Late filed 24-Hour Report	39	\$1,817.79	\$100.00	01/23/15
Candidate	GILLWAY, JAMES	Substantial misreporting in CFR	43	\$1,777.85	\$100.00	01/23/15
Candidate	HILL, OWEN	Late filed 24-Hour Report	52	\$662.14	\$100.00	01/23/15
Candidate	MICHAEL, JOHN	Substantial misreporting in CFR	49	\$1,911.00	\$150.00	01/23/15
Candidate	WILLEY, LISA	Substantial misreporting in CFR		\$16,587.35	\$500.00	04/29/15
Candidate	STANLEY, FRANK	Late filed semiannual report	5	\$112.42	\$112.42	10/01/15
Candidate	PHILLIPS, MICHAEL	Substantial misreporting in CFR	276	\$1,771.92	\$500.00	11/18/15

Chart #1: Requests for Waiver of Late-Filing Penalties - 2014-2016

Filer Type	Name	Violation Type	Days Late	Preliminary Penalty	Final Penalty	Meeting Date
Candidate	MARTIN (SPECIAL), STEPHEN	Late filed 24-Hour Report	6	\$383.02	\$50.00	04/27/16
Candidate	MARTIN (SPECIAL), STEPHEN	Late filed 24-Hour Report	2	\$165.23	\$100.00	04/27/16
Candidate	RUSSELL, DIANE	Substantial misreporting in CFR	186	\$0.00	\$500.00	07/20/16
Candidate	TWOMEY, JOANNE	Late filed regular CFR	1	\$200.00	\$150.00	07/20/16
Other	Colby, Gordon	Late filed IE Report	7	\$85.12	\$85.12	01/23/15
PAC	People for Lewiston Auburn Committee	Late filed election-related CFR		\$6,500.00	\$6,500.00	04/30/14
PAC	People for Lewiston Auburn Committee	Late filed election-related CFR		\$7,500.00	\$7,500.00	04/30/14
PAC	NATIONAL ORGANIZATION FOR MARRIAGE MAINE COMMITTEE	Failure to file pre- or post-election CFR	1576	\$10,000.00	\$10,000.00	05/28/14
PAC	NATIONAL ORGANIZATION FOR MARRIAGE MAINE COMMITTEE	Failure to file 24-hour Report - PAC/BQC	1628	\$30,000.00	\$10,000.00	05/28/14
PAC	NATIONAL ORGANIZATION FOR MARRIAGE MAINE COMMITTEE	Failure to register as a BQC		\$250.00	\$250.00	05/28/14
PAC	NATIONAL ORGANIZATION FOR MARRIAGE MAINE COMMITTEE	Failure to file pre- or post-election CFR	1629	\$10,000.00	\$10,000.00	05/28/14
PAC	MAINE ASSOCIATION OF REALTORS PAC	Late filed regular CFR	3	\$0.00	\$0.00	06/25/14
PAC	MAINE CONSERVATION VOTERS ACTION FUND	Late filed 24-Hour Report	10	\$32,500.00	\$1,000.00	06/25/14
PAC	ALFOND BUSINESS, COMMUNITY & DEMOCRACY PAC	Late filed quarterly CFR	283	\$31,764.42	\$1,500.00	07/31/14
PAC	MAINE FORWARD	Late filed 24-Hour Report	5	\$2,500.00	\$250.00	07/31/14
PAC	MAINE CREDIT UNION LEAGUE - LEGISLATIVE ACTION COMMITTEE	Late filed 24-Hour Report	49	\$1,960.00	\$250.00	08/27/14
PAC	SENATE DEMOCRATIC CAMPAIGN COMMITTEE	Late filed quarterly CFR	110	\$14,437.40	\$500.00	08/27/14
PAC	ACTBLUE MAINE	Late filed 24-Hour Report	39	\$17,845.49	\$500.00	09/24/14
PAC	BUILD MAINE PAC	Late filed 24-Hour Report	48	\$480.00	\$250.00	09/24/14
PAC	CITIZENS FOR JUSTICE IN MAINE, INC.	Late filed 24-Hour Report	46	\$2,530.00	\$250.00	09/24/14
PAC	THE COMMITTEE TO REBUILD MAINE'S MIDDLE CLASS	Late filed regular CFR	53	\$5,435.68	\$500.00	09/24/14

Chart #1: Requests for Waiver of Late-Filing Penalties - 2014-2016

Filer Type	Name	Violation Type	Days Late	Preliminary Penalty	Final Penalty	Meeting Date
PAC	EQUALITYMAINE PAC	Late filed IE Report	1	\$300.00	\$200.00	11/24/14
PAC	EQUALITYMAINE PAC	Late filed IE Report	1	\$50.00	\$50.00	11/24/14
PAC	MAINE SOCIETY OF ANESTHESIOLOGIST PAC	Late filed 24-Hour Report	22	\$1,040.00	\$250.00	11/24/14
PAC	COMMITTEE FOR A HEALTHIER, MORE PROSPEROUS MAINE	Late filed regular CFR	21	\$4,330.20	\$250.00	12/22/14
PAC	COMMITTEE FOR A HEALTHIER, MORE PROSPEROUS MAINE	Late filed regular CFR	21	\$5,435.68	\$250.00	12/22/14
PAC	MAINE ECONOMIC GROWTH COALITION	Late filed 24-Hour Report	16	\$1,136.96	\$167.00	12/22/14
PAC	MAINE ECONOMIC GROWTH COALITION	Late filed 24-Hour Report	17	\$650.76	\$166.00	12/22/14
PAC	MAINE ECONOMIC GROWTH COALITION	Late filed 24-Hour Report	8	\$800.00	\$167.00	12/22/14
PAC	MAINERS FOR FAIR BEAR HUNTING	Late filed 24-Hour Report	1	\$1,500.00	\$500.00	12/22/14
PAC	ANNE PAC	Late filed 24-Hour Report	52	\$1,820.00	\$250.00	01/23/15
PAC	MAINE AFL-CIO COMMITTEE ON POLITICAL EDUCATION PAC	Substantial misreporting in CFR	53	\$10,000.00	\$1,000.00	01/23/15
PAC	WORKERS' VOICE (MAINE)	Late filed IE Report	6	\$628.02	\$0.00	01/23/15
PAC	WORKERS' VOICE (MAINE)	Late filed IE Report	7	\$564.76	\$0.00	01/23/15
PAC	WORKERS' VOICE (MAINE)	Late filed IE Report	9	\$377.73	\$0.00	01/23/15
PAC	WORKERS' VOICE (MAINE)	Late filed IE Report	10	\$715.60	\$0.00	01/23/15
PAC	WORKERS' VOICE (MAINE)	Late filed 24-Hour Report	10	\$3,822.40	\$1,000.00	01/23/15
PAC	ENVIRONMENT MAINE POLITICAL ACTION COMMITTEE	Late filed 24-Hour Report	40	\$4,000.00	\$500.00	02/25/15
PAC	EQUALITYMAINE PAC	Late filed IE Report	135	\$5,000.00	\$250.00	04/29/15
PAC	MAINE TRUCK PAC	Substantial misreporting in CFR	240	\$10,000.00	\$500.00	07/23/15
PAC	MAINE TRUCK PAC	Substantial misreporting in CFR	316	\$10,000.00	\$500.00	07/23/15
PAC	MAINE TRUCK PAC	Substantial misreporting in CFR	369	\$10,000.00	\$500.00	07/23/15
PAC	CAMPAIGN FOR MAINE	Late filed IE Report	259	\$5,000.00	\$1,000.00	10/01/15
PAC	CAMPAIGN FOR MAINE	Substantial misreporting in CFR	212	\$40,367.58	\$900.00	10/01/15
PAC	PROGRESSIVE KICK IE MAINE	Late filed IE Report	272	\$5,000.00	\$250.00	10/01/15
PAC	LEGALIZE MAINE	Failure to file quarterly CFR	8	\$3,825.28	\$1,000.00	11/18/15
PAC	WORKING FAMILIES PAC	Substantial misreporting in CFR	380	\$10,000.00	\$2,000.00	12/16/15

Chart #1: Requests for Waiver of Late-Filing Penalties - 2014-2016

Filer Type	Name	Violation Type	Days Late	Preliminary Penalty	Final Penalty	Meeting Date
Party Committee	MAINE DEMOCRATIC STATE COMMITTEE	Late filed 24-Hour Report	48	\$4,800.00	\$750.00	08/27/14
Party Committee	SOMERSET COUNTY DEMOCRATS	Late filed regular CFR for municipal, district, county PTY	181	\$500.00	\$50.00	09/24/14
Party Committee	KENNEBUNK DEMOCRATIC COMMITTEE	Late filed regular CFR	10	\$500.00	\$75.00	11/24/14
Party Committee	KENNEBUNK DEMOCRATIC COMMITTEE	Late filed semiannual report	111	\$500.00	\$75.00	11/24/14
Party Committee	Sagadahoc County Democratic Committee	Late filed 24-Hour Report	9	\$495.00	\$200.00	12/22/14
Party Committee	Maine Republican Party	Late filed 24-Hour Report	49	\$5,000.00	\$1,000.00	02/25/15
Party Committee	Maine Republican Party	Late filed 24-Hour Report	41	\$5,000.00	\$1,000.00	02/25/15
Party Committee	Maine Republican Party	Late filed 24-Hour Report	44	\$5,000.00	\$1,000.00	02/25/15
Party Committee	Maine Republican Party	Late filed 24-Hour Report	40	\$5,000.00	\$1,000.00	02/25/15
Party Committee	Maine Republican Party	Late filed 24-Hour Report	42	\$17,400.00	\$1,000.00	02/25/15
Party Committee	KENNEBUNK REPUBLICAN COMMITTEE	Late filed regular CFR for municipal, district, county PTY	83	\$500.00	\$100.00	04/29/15
Party Committee	WASHINGTON COUNTY REPUBLICAN COMMITTEE	Late filed regular CFR for municipal, district, county PTY	47	\$203.04	\$0.00	04/29/15
Party Committee	MAINE GREEN INDEPENDENT PARTY	Late filed quarterly CFR	16	\$962.24	\$400.00	11/18/15
Party Committee	York County Republican Committee	Late filed IE Report	118	\$1,519.84	\$150.00	01/27/16
Party Committee	Androscoggin County Republican Committee	Late filed regular CFR for municipal, district, county PTY	2	\$152.14	\$0.00	04/27/16
Party Committee	Androscoggin County Republican Committee	Late filed regular CFR for municipal, district, county PTY	186	\$500.00	\$100.00	04/27/16
Party Committee	Lincoln County Democratic Committee	Late filed 24-Hour Report	24	\$500.00	\$150.00	07/20/16

Chart #2: Penalties of \$5,000 or More Against PACs/BQCs/Party Committees

Election Year	Date of Comm. Action	PAC/BQC/Party Committee	Description of Violation	Penalty for Violation	Total Penalty
2009	5/28/2014	National Organization for Marriage Advocacy organization dedicated to institution of marriage as between one man and one woman failed to register and file campaign finance reports, in spite of spending more than \$2 million to support a people's veto referendum in Maine.	Failure to register as ballot question committee	\$250	\$50,250
			Failure to file two regularly scheduled reports before and after 11/3/2009 election. (Commission assessed maximum \$10,000 penalty for each late report)	\$20,000	
			Failure to file four 24-Hour Reports (Commission assessed maximum \$10,000 penalty for two reports and \$5,000 for two reports)	\$30,000	
2010	2/17/2011	Republican State Leadership Committee On 10/23/2010, RSLC filed IE report #142 stating that it paid \$398,970 for mailings, TV, and radio advertisements to influence five State Senate races.	RSLC filed independent expenditure report #142 late. Commission assessed maximum late-filing penalty.	\$5,000	\$26,000
			Additional penalty assessed because late filing of IE report #142 delayed payment of matching funds to five MCEA candidates.	\$10,000	
			Regular PAC report considered late because it failed to include an expenditure or obligation of \$75,678 for mailings	\$10,000	
			IE report #142 substantially misreported date of expenditures.	\$1,000	
2011	4/30/2014	People of Lewiston and Auburn PAC, Green Jobs for ME PAC	Two affiliated PACs promoting a citizen initiative misstated the out-of-state sources of contributions in three campaign finance reports. Through a consent agreement, the Commission agreed to accept reduced penalties to avoid the potential for litigation as to the culpable parties. The Lewiston-based advocates argued that they were misled by the out-of-state contributors.	\$15,000	\$15,000
2015	4/27/2016	Proteus Action League BQC	The October 2015 Quarterly report was considered late because the BQC did not disclose two transfers totaling \$253,547 that it received from the non-profit that formed the BQC. BQC treasurer did not know general treasury transfers had to be reported and amended the report on 01/15/16 to include these contributions.	\$15,000	\$15,000

Chart #2: Penalties of \$5,000 or More Against PACs/BQCs/Party Committees

Election Year	Date of Comm. Action	PAC/BQC/Party Committee	Description of Violation	Penalty for Violation	Total Penalty
2008	3/26/2009	Scarborough Village Partnership LLC PAC Gaming LLC was late in registering and beginning to file campaign finance reports to influence municipal referendum	Commission found that LLC was required to register on 8/26/2008 and registered one month late. It assessed the maximum penalty of \$250 for the late registration.	\$250	align="right">\$12,250
			PAC failed to file campaign finance reports due 8/26/2008 (upon registering) and 10/10/2008. PAC treasurer had no experience with campaign finance reporting and received erroneous information from town clerk. Commission assessed penalties of \$10,000 and \$2,000, respectively, for the late reports.	\$12,000	
2008	12/29/2008	Maine Association of Realtors PAC PAC spent \$6,155.79 on postcard mailings in support of two candidates for State Senate. Association employee forgot to file IE report, which would have triggered matching funds to opposing candidates under Maine Clean Election Act.	PAC filed IE report 21 days late on 10/31/2008. PAC paid late-filing penalty of \$1,231.20 and did not ask for waiver by Commission.	\$1,231	align="right">\$11,231
			Additional penalty assessed because late filing of IE report delayed payment of matching funds to two MCEA candidates.	\$10,000	
2008	11/24/2008	Fed Up With Taxes PAC formed in support of people's veto referendum to suspend a tax on beverage and liquor sales. PAC filed 24-hour reports of large expenditures 2-3 days late. Attorney hired by PAC admitted forgetting 24-hour reports were due.	PAC should have filed a 24-hour report of expenditures totaling \$748,628 on Saturday, 10/25/2008. Instead, the expenditures were reported in a 24-hour report filed on Monday, 10/27/2008. Commission decided against PAC's request for a waiver.	\$10,000	align="right">\$10,096
			PAC should have filed a 24-hour report of a \$2,403 expenditure on Friday, 10/24/2008. Instead, the expenditure was reported in a 24-hour report filed on Monday, 10/27/2008. Commission decided against PAC's request for a waiver.	\$96	

Chart #2: Penalties of \$5,000 or More Against PACs/BQCs/Party Committees

Election Year	Date of Comm. Action	PAC/BQC/Party Committee	Description of Violation	Penalty for Violation	Total Penalty
2008	11/19/2009	<p>Maine Leads Not-for-profit organization did not register or file campaign finance reports, in spite of paying \$160,500 for circulating petitions for three citizen initiatives and contributing \$25,000 to each of three PACs promoting the initiatives.</p>	<p>Failure to file reports due 1/15/2008, 4/10/2008, 1/15/2009, 4/10/2009</p>	<p>\$2,500 each for four reports</p>	<p>\$10,000</p>

