

Agenda

Item #8

**Request for Waiver –
Somerset County Democratic Committee**



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

To: Commissioners

From: Benjamin Dyer, Political Committee and Lobbyist Registrar

Date: September 10, 2014

Re: Request for Waiver of Late-Filing Penalty by Somerset County Democratic Committee

County party committees must file semiannual campaign finance reports if – in a calendar year – they have received contributions totaling more than \$1,500 or made expenditures totaling more than \$1,500. Most county and municipal party committees do not reach the \$1,500 threshold and are exempt from the duty to file campaign finance reports.

During autumn of 2013, the Somerset County Democratic Committee (referred to below as the “SCDC”) received over \$1,500 in contributions. Accordingly, it was required to file a report on January 15, 2014 disclosing all of its contributions and expenditures for 2013. Shortly before that 1/15/2014 deadline, the Commission staff mailed a reminder postcard to Victoria Hatch, who was on file with our office as the treasurer of the SCDC.

In fact, Ms. Hatch was no longer the treasurer of the SCDC. Unbeknownst to the Commission, she had been replaced by Mr. Colby Seams in January 2013. We were not aware that Mr. Seams was the treasurer of the Somerset Committee until late June 2014,

when the Maine State Democratic Party provided us with an updated list of officers of county and municipal party committees.

The Commission staff uses the officer list provided by the state parties to mail reminder postcards before every filing deadline. We send a postcard to every county and municipal party committee in the state, because we do not know whether they are exempt from the filing requirements, or not. In July 2014, Mr. Seams received his *first* reminder of a filing deadline. We used the address that the Maine Democratic Party had provided us (37 Randall Street, Anson).

After receiving his first reminder postcard, Mr. Seams recognized that the SCDC was late in filing a report covering 2013. He filed the report on July 15, 2014 (six months late), as well as a report covering the first half of 2014.

LEGAL REQUIREMENTS

Local party committees must file semiannual reports with the Commission on July 15th, covering the first half of the year, and January 15th, covering the second half of the year.¹ (21-A M.R.S.A. §1017-A(4-B)(A)) A local party committee is exempt from filing reports if it receives or spends less than \$1,500 in one calendar year. (21-A M.R.S.A. §1017-A(7))

¹ During election years, local party committees must also file 11-day pre-general election reports, covering the time period from July 1st to the 14th day before the general election. (21-A M.R.S.A. §1017-A(4-B)(A)(2))

If a local party is late in filing the required semiannual report, the amount of the penalty is set by a formula which takes into consideration the amounts unreported, 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. §1017-A(5)), (21-A M.R.S.A. §1020-A(4)) The statutory maximum penalty for a local party committee's late semiannual report is \$500. (21-A M.R.S.A. §1020-A(5-A)(D))

Local parties must inform their state parties of the names and addresses of their officers, and the state party committees must also submit to the Commission a consolidated report of all local party committee officers and addresses by the 2nd Monday in April of each election year. (21-A M.R.S.A. §1013-A(3)) The applicable state party committee is responsible for notifying all local party committees of the party committee reporting requirements. (21-A M.R.S.A. §1017-A(6)).

DISCUSSION

Between August 23, 2013 and November 13, 2013, the SCDC raised a total of \$2,533. The SCDC should have filed a campaign finance report by January 15, 2014 that covered the entire 2013 calendar year. Mr. Seams filed the report on July 15, 2014. The report was 181 days late.

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

Late Report	Date Filed	Financial Activity	Penalty Rate	Days Late	Preliminary Penalty	Statutory Maximum Penalty
2014 January Semiannual	7/15/2014	\$2,533	1%	181	\$4,584.73	\$500

The SCDC asks that the Commission waive the penalty because the size of the penalty outweighs the experience of Mr. Seams as treasurer and that the SCDC did not receive notice of the need to file.² Mr. Seams notes that he was elected treasurer in January of 2013.

Prior to a reminder postcard in July of 2014, Mr. Seams never received any correspondence from the Commission, because our office believed that Victoria Hatch was still the treasurer for the committee. We did not learn that Mr. Seams was the treasurer until late June 2014 (approximately 16 months after he was appointed treasurer).

STAFF RECOMMENDATION

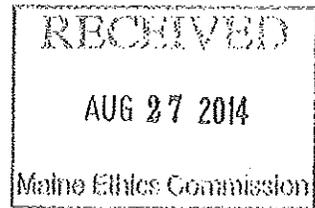
The Commission staff appreciates the sincerity of the SCDC's explanation for why it did not file a 2014 January Semiannual report. However, the Election Law makes clear that it is the responsibility of the local party to be aware of and comply with campaign finance reporting laws.

² The staff believes that Victoria Hatch received the reminder postcard for the report due January 2014.

It is also the responsibility of the local party to make the corresponding state party aware of any changes in party officers, and for the state party to report these changes to the Commission. Nonetheless, mitigating circumstances suggest that a reduction in the preliminary penalty is appropriate. The belatedly-reported contributions occurred during an off-election year. The treasurer was new to the position, and the SCDC had not previously had enough activity to warrant the filing of a report since 2008. Given these mitigating circumstances, the staff recommends that the Commission find the Somerset County Democratic Committee failed to timely-file a 2014 January Semiannual report but reduce the penalty to \$100.

Thank you for your consideration of this memo.

P.O. Box 66
Anson, ME 04911
August 21, 2014



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

re: late filing of January, 2014 Semi-Annual Report,
Somerset County Democratic Committee

Dear Mr. Dyer,

I am in receipt of your letter of August 15, 2014 regarding the late filing of the Somerset County Democratic Committee (SCDC) Semi-Annual Report, due January 15, 2014, and filed on July 15, 2014. Please consider this as notice of appeal of the \$500.00 penalty.

I was first elected Treasurer of the SCDC in January of 2013. The balance in our treasury at that time was approximately \$700.00, and I knew of no reports requested or expected of me. The previous treasurer of the SCDC had never filed a report with the Commission, indeed a report had not been filed for several years. In October of 2013 we held an event where we earned \$2056.35 and had a balance of \$2868.92 at the end of 2013.

On Friday, July 11, 2014, I was handed a postcard from our postmistress in Anson addressed to me at 37 Randall St. in Anson. Along with it was her admonishment that I need to ensure that all correspondence to me and my family be addressed as "P.O. Box 66," as any mail addressed to our physical address, 37 Randall St., could and probably would be returned to sender. We do not have home delivery for in-town residents of Anson, and in fact have had occasion where mail addressed to us at "37 Randall St." was returned to sender, including a credit card statement that resulted in us paying a late fee. The postcard she handed me was from the Commission on Governmental Ethics and Election Practices, requesting a report be filed by the SCDC by July 15, 2014 for the period 1/1/14 to 6/30/14. It was addressed to me at

37 Randall St., Anson, and it had been stamped "Delayed Mail due to Improper Mailing Address." This was the first and only correspondence of any kind I have received from you since becoming treasurer of the SCDC in January of 2013. I followed the directions to obtain my sign-in and password, and found that the last report filed by the SCDC was in 2008 (two treasurers ago). I learned that a report had been due by January 15, 2014 for the period 7/1/13 to 12/31/13. I completed the two reports, both for the current period and for the period 7/1/13 to 12/31/13, and hand delivered them to you in Augusta on July 15, 2014.

I can assure you that there was absolutely no intent to deceive, defraud or disrespect the Commission. I understand there is a reason for keeping the Commission informed of the financial standing of the county committees and parties, and that the responsibility of keeping the Commission informed lies with the Treasurer. Unfortunately the inexperience of this Treasurer along with the lack of correspondence from the Commission due to an incorrect mailing address has led us to the situation in which we find ourselves. To my knowledge there have been no previous violations by the SCDC. I can assure you we will strive to be prompt with any reports in the future, and the Treasurer of the SCDC who is elected in January, 2015 will receive thorough training in what is expected of the office. I am requesting that the Commission take into consideration the mitigating circumstances that created this situation, and respectfully ask that our fine of \$500.00 be waived.

Yours truly,



Colby Seams

Treasurer,

Somerset County Democratic Committee



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

August 15, 2014

Mr. Colby Seams, Treasurer
Somerset County Democratic Party
PO Box 66
Anson, ME 04911

Re: Late Filing of 2014 January Semi-Annual Report

Dear Mr. Seams,

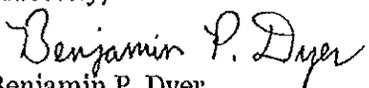
The Commission staff has made a preliminary determination that the Somerset County Democratic Party (the Party) was late in filing its 2014 January Semi-Annual Report. Because the Party raised more than \$1,500 between July 1, 2013 and December 31, 2014, the 2014 January Semi-Annual Report was due by 11:59 p.m. on January 15, 2014, but was not filed until July 15, 2014. Under the Commission's statutes, the late filing of a report triggers an enforcement process. (21-A M.R.S.A. § 1020-A(4-A)). Based on the amount of financial activity in the report, the number of calendar days the report was late, the Party's history of violations, and the statutory maximum penalty, the commission staff has determined that a penalty of \$500.00 is owed. (Please see attached penalty matrix for the calculation).

The Party may make a written request that the Commission waive the violation or penalty in whole or in part. Any request for a waiver must be made within 14 calendar days of your receipt of this notice. The request must be in writing and contain a full explanation of the reasons the Party filed late. Upon receiving your request, the Commission staff will schedule your appeal for an upcoming Commission meeting.

The Commission may waive the penalty if it determines that the report was late due to mitigating circumstances, which are defined as (1) a valid emergency; (2) an error made by the Commission staff; or (3) relevant evidence that the Party made a bona fide effort to file the report on time. Also, the Commission may waive the penalty if it is disproportionate to the level of experience of the person filing the report or the harm suffered by the public from the late disclosure.

Please call me at (207) 287-6221 or send me an email at benjamin.p.dyer@maine.gov if you have questions.

Sincerely,


Benjamin P. Dyer
Political Committee and Lobbyist Registrar

Enclosure: payment receipt & penalty matrix

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

PHONE: (207) 287-4179

FAX: (207) 287-6775

Payment Receipt

Mail payment to:

The Maine Ethics Commission
135 State House Station
Augusta, ME 04333

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

Mr. Colby Seams, Treasurer
Somerset County Democratic Party
PO Box 66
Anson, ME 04911

Violation: Late 2014 January Semi-Annual Report
Amount Due: \$500.00

Committee Name:	Somerset County Democratic Party	Report Title:	2014 January Semi-Annual
Previous Violation(s):	N/A	Due Date:	January 15, 2014
		Filed Date:	July 15, 2014

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

For the first violation, 1%
 For the second violation, 3%
 For the third and each subsequent violation, 5%

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

Penalty Example:	Your Penalty is calculated as follows:																								
<p>The treasurer files the Party's report two (2) days late. The Party has not had any previous late violations this biennium. The Party reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is</p>																									
<table border="0" style="width: 100%;"> <tr> <td style="width: 10%; text-align: right;">\$2,500</td> <td>Greater amount of the total contributions received or expenditures made during the filing period</td> </tr> <tr> <td style="text-align: right;">X .01</td> <td>Percent prescribed for first violation</td> </tr> <tr> <td style="text-align: right;">\$25.00</td> <td>One percent of total contributions</td> </tr> <tr> <td style="text-align: right;">X 2</td> <td>Number of calendar days late</td> </tr> <tr> <td style="text-align: right;">\$50.00</td> <td>Total Penalty</td> </tr> </table>	\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	X .01	Percent prescribed for first violation	\$25.00	One percent of total contributions	X 2	Number of calendar days late	\$50.00	Total Penalty	<table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">Contributions / Expenditures:</td> <td style="text-align: right; border-bottom: 1px solid black;">\$2,533.0</td> </tr> <tr> <td></td> <td style="text-align: right;">X</td> </tr> <tr> <td>Percent Prescribed:</td> <td style="text-align: right; border-bottom: 1px solid black;">1%</td> </tr> <tr> <td></td> <td style="text-align: right;">X</td> </tr> <tr> <td>Number of days late:</td> <td style="text-align: right; border-bottom: 1px solid black;">18</td> </tr> <tr> <td>Calculated Penalty:</td> <td style="text-align: right;">\$4,584.7</td> </tr> <tr> <td>Statutory Maximum penalty:</td> <td style="text-align: right; border-bottom: 3px double black;">\$500.0</td> </tr> </table>	Contributions / Expenditures:	\$2,533.0		X	Percent Prescribed:	1%		X	Number of days late:	18	Calculated Penalty:	\$4,584.7	Statutory Maximum penalty:	\$500.0
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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 required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

MAXIMUM PENALTIES
 21-A M.R.S.A. Section 1020-A(5)
 \$500 for municipal, district and county committee Pre-Election Reports, Semiannual Reports and 24-Hour Reports.

§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. [2011, c. 389, §9 (AMD); 2011, c. 389, §62 (AFF).]

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. [1995, c. 483, §4 (AMD).]

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. [2007, c. 443, Pt. A, §7 (AMD).]

[2011, c. 389, §9 (AMD); 2011, c. 389, §62 (AFF) .]

2. Authorized political committees.

[1991, c. 839, §34 (AFF); 1991, c. 839, §5 (RP) .]

3. Party committees. The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

[1995, c. 483, §5 (AMD) .]

4. Reporting by registered treasurers. Any contribution accepted and any expenditure made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

[1991, c. 839, §6 (AMD); 1991, c. 839, §34 (AFF) .]

5. Changes in registration information. Every change in information required by this section to be reported to the commission shall be reported within 10 days of the date of the change.

[1989, c. 504, §§4, 31 (NEW) .]

21-A MRS § 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; [1999, c. 729, §5 (AMD).]
- B. An error by the commission staff; [1999, c. 729, §5 (AMD).]
- C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD).]
- 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. [2009, c. 190, Pt. A, §13 (AMD).]

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.

[2001, c. 470, §7 (AMD); T. 21-A, §1020-A, sub-§4 (RP) .]

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, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]
- C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

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. Maximum penalties.

[2001, c. 470, §8 (AMD); T. 21-A, §1020-A, sub-§5 (RP) .]

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; [2011, c. 389, §23 (AMD).]
- 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 1/5 of the amount reported late; [2011, c. 389, §24 (NEW).]
- 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 financial activity reported late exceeds \$50,000, the maximum penalty is 1/5 of the amount reported late; [2011, c. 389, §25 (AMD).]
- 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 [2011, c. 558, §4 (AMD).]
- D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B. [2011, c. 558, §4 (AMD).]
- E. [2011, c. 558, §5 (RP).]

[2011, c. 558, §§4, 5 (AMD) .]

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.

[2013, c. 334, §17 (AMD) .]

7. Final notice of penalty. If a determination has been requested by the candidate or political committee and made by the commission, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate and the political committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission.

[2009, c. 302, §6 (AMD) .]

8. Failure to file report. The commission shall notify a candidate who has failed to file a report required by this subchapter, in writing, informing the candidate of the requirement to file a report. The notice must be sent by certified mail. If a candidate fails to file a report after 2 notices have been sent by the commission, the commission shall send a final notice by certified mail informing the candidate of the requirement to file and that the matter may be referred to the Attorney General for criminal prosecution. A candidate who fails to file a report as required by this subchapter after the commission has sent the notices required by this subsection is guilty of a Class E crime.

[2007, c. 443, Pt. A, §25 (AMD) .]

8-A. Penalties for failure to file report. The penalty for failure to file a report required under this subchapter may not exceed the maximum penalties as provided in subsection 5-A.

[2003, c. 628, Pt. A, §6 (NEW) .]

9. List of late-filing candidates. The commission shall prepare a list of the names of candidates who are late in filing a report required under section 1017, subsection 2, paragraph C or D or section 1017, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

[1995, c. 483, §15 (NEW) .]

10. Enforcement. A penalty assessed pursuant to this section that has not been paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B.

[2009, c. 302, §7 (RPR) .]

§1017-A. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY PARTY COMMITTEES

1. Contributions. A party committee shall report all contributions in cash or in kind from a single contributor that in the aggregate total more than \$200. The party committee shall report the name, mailing address, occupation and place of business of each contributor. Contributions of \$200 or less must be reported, and these contributions may be reported as a lump sum.

[2009, c. 190, Pt. A, §8 (AMD) .]

2. Expenditures to influence a campaign. A party committee shall report all expenditures made to influence a campaign, as defined in section 1052, subsection 1. The party committee shall report:

A. The name of each candidate, political committee, political action committee or party committee; [2007, c. 443, Pt. A, §17 (AMD).]

B. The office sought by a candidate and the district that the candidate seeks to represent; and [1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF).]

C. The date, amount and purpose of each expenditure. [2007, c. 443, Pt. A, §17 (AMD).]

[2011, c. 389, §16 (AMD) .]

3. Other expenditures. Operational expenses and other expenditures that are not made to influence a campaign, as defined in section 1052, subsection 1 must be reported separately. The party committee shall report:

A. The name and address of each payee; [2009, c. 190, Pt. A, §10 (AMD).]

B. The purpose for the expenditure; and [2007, c. 443, Pt. A, §17 (AMD).]

C. The date and amount of each expenditure. [1993, c. 715, §2 (NEW).]

[2011, c. 389, §17 (AMD) .]

4. Filing schedule.

[2003, c. 302, §2 (RP) .]

4-A. Filing schedule. A state party committee shall file its reports according to the following schedule.

A. Quarterly reports must be filed by 11:59 p.m.:

(1) On January 15th and must be complete up to December 31st;

(2) On April 10th and must be complete up to March 31st;

(3) On July 15th and must be complete up to June 30th; and

(4) On October 5th and must be complete up to September 30th. [2011, c. 367, §1 (AMD).]

B. General and primary election reports must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2007, c. 443, Pt. A, §17 (AMD).]

C. Preelection and post-election reports for special elections, referenda, initiatives, bond issues or constitutional amendments must be filed by 11:59 p.m.:

(1) On the 11th day before the date on which the election is held and must be complete up to the 14th day before that date; and

(2) On the 42nd day after the date on which the election is held and must be complete up to the 35th day after that date. [2011, c. 389, §18 (AMD).]

D. A state party committee that files an election report under paragraph B or C is not required to file a quarterly report under paragraph A when the deadline for that quarterly report falls within 10 days of the filing deadline established in paragraph B or C. [2003, c. 302, §3 (NEW).]

E. A state party committee shall report any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §12 (AMD).]

[2013, c. 334, §12 (AMD) .]

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

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

(1) July 15th and be complete as of June 30th;

(2) The 11th day before the date on which the general election is held and must be complete up to the 14th day before that date; and

(3) January 15th and be complete as of December 31st. [2009, c. 190, Pt. A, §12 (AMD).]

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

(1) July 15th and be complete as of June 30th; and

(2) January 15th and be complete as of December 31st. [2007, c. 443, Pt. A, §17 (AMD).]

C. A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §13 (AMD).]

[2013, c. 334, §13 (AMD) .]

4-C. Electronic filing. State party committees shall file each report required by this section through an electronic filing system developed by the commission. The commission may make an exception to this electronic filing requirement if a party committee submits a written request that states that the party committee lacks access to the technology or the technological ability to file reports electronically. The request for an exception must be submitted by March 1st of the election year. The commission shall grant all reasonable requests for exceptions.

[2007, c. 443, Pt. A, §17 (AMD) .]

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

[2003, c. 1, §13 (COR) .]

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

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

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

[1991, c. 839, §23 (NEW); 1991, c. 839, §33 (AFF) .]

8. Municipal elections. When a party committee makes contributions or expenditures on behalf of a candidate for municipal office subject to this subchapter, it shall file a copy of the reports required by this section with the clerk in that candidate's municipality.

[2011, c. 389, §19 (AMD); 2011, c. 389, §62 (AFF) .]