

# Agenda

## Item #2



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

To: Commission Members  
From: Jonathan Wayne, Executive Director  
Date: October 21, 2008  
Re: Late Independent Expenditure by the Maine Democratic Party

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The Maine Democratic Party requests a waiver of a late-filing penalty of \$5,000 for a late independent expenditure report of two mailings it sent in support of Deborah Simpson for State Senate, District #15.

### **Summary of Independent Expenditure Reporting Requirement**

When organizations such as political parties mail communications to voters which expressly advocate for the election of a candidate, they are required to file an independent expenditure report stating the exact amount spent in support of the candidate. (21-A M.R.S.A. § 1019-B) If more than \$250 is spent in support of the candidate, the organization must file the report within 24 hours of making the expenditure. Generally, the expenditure is considered made when the organization enters into an obligation to make a payment for the communication – not when the vendor is actually paid. Independent expenditures often trigger matching funds to opposing candidates who are participating in the Maine Clean Election Act.

Express advocacy is defined in the Commission rules (attached). Communications that do not contain express advocacy are sometimes referred to as issue advocacy.

### **Two Mailings for Deborah Simpson**

The Maine Democratic Party sent two mailers to voters in Senate District 15 in support of Deborah Simpson. One mailer (“Juggling Our Expenses is Tough ...”) is a long piece of cardstock folded in half horizontally, for a total of four sides. The other (“Deb Simpson Isn’t Afraid of Hard Work”) is a large format card, with two sides. Both mailers contain the language “Deb Simpson for State Senate,” which expressly advocates for Ms. Simpson’s election. According to the party, both mailers were sent to the post office for delivery on September 26.

### **Late Filing of Independent Expenditure Report**

On October 7, I received an e-mail from the Senate Republican Caucus because no independent expenditure report had been filed for the mailers, even though they contained express advocacy. I sent an e-mail inquiry to the Maine Democratic Party.

On October 8, the Maine Democratic Party submitted an independent expenditure report for the two mailers. The report disclosed that it made two expenditures totaling \$13,194 in support of Deborah Simpson. That day, we authorized Ms. Simpson's opponent, Lois Snowe-Mello, to spend that amount in matching funds.

The report states that the date of the expenditure was September 19, 2008, so the report was due on September 20, 2008. The report was filed 20 days late. Using the formula in the Election Law, the amount of the preliminary penalty would be \$7,916.40, except that the penalty is capped at \$5,000.00 under 21-A M.R.S.A. § 1020-A(5-A)(A).

### **Request for Waiver of \$5,000 Penalty**

The Maine Democratic Party requests a waiver of the \$5,000 penalty due to the mitigating circumstance that it made a bona fide effort to comply with the independent expenditure reporting statute. (21-A M.R.S.A. § 1020-A(2)(D)) The party explains that its mailhouse modified the language in the mailing without authorization from the party that converted the mailing from issue advocacy to express advocacy.

### **Possible Additional Penalty for Late Report**

In addition to the routine late-filing penalty, the Commission is authorized under the Maine Clean Election Act (21-A M.R.S.A. §1127(1)) to assess a separate penalty of up to \$10,000 when an independent spender fails to file a report that results in the delayed payment of matching funds. If you are so inclined, you could assess an additional penalty under § 1127(1) because the late filing of the independent expenditure report delayed the payment of \$13,194 in matching funds to Lois Snow-Mello by 20 days. She received the authorization on October 8, when she deserved to receive it on September 20, 2008.

Given the size of the \$5,000 routine penalty, the Commission staff does not recommend the assessment of this additional penalty. Thank you for your consideration of this memorandum.



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

October 9, 2008

Mr. Arden Manning  
Executive Director  
Maine Democratic Party  
P.O. Box 5258  
Augusta, ME 04332-5258

Re: Late Independent Expenditure Report

Dear Mr. Manning:

Our records show that the Maine Democratic State Committee filed an Independent Expenditure Report on October 8, in which the committee reported a financial obligation or expenditure in excess of \$250 having occurred on September 18.

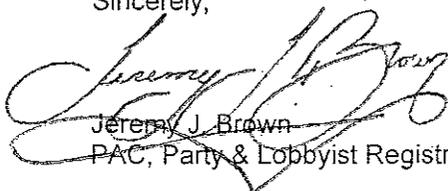
Chapter 1 § 10(3)(B) of the Commission Rules require that Independent Expenditures aggregating in excess of \$250 per candidate made by any person, party committee, political committee or political action committee be reported to the Commission within 24 hours of those expenditures.

Penalties for late reports are based on the amount of financial activity reported, the number of calendar days a report is filed late, and the committees filing history. Based on the statutory formula however, the penalty for this filing would exceed the maximum permitted by 21-A MRSA § 1020-A(5-A)(A). The Commission has therefore assessed a preliminary penalty of **\$5000**. Please refer to the enclosed penalty matrix for more information.

If you believe you have a valid reason for filing late, you may request that the Commission review your case make a final penalty determination. Any request for a Commission determination must be made within 10 calendar days of receiving this notice, beginning the day you sign for receipt. If this notice has been refused or left unclaimed at the post office, the 10-day period will begin on the day the post office indicates that it gave first notice of a certified letter. Upon receipt of your request for a Commission determination, we will schedule you to appear before the Commission at the next regularly scheduled meeting. You may appear before the Commission personally, designate a representative to appear on your behalf, or submit a notarized written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. The Commission will notify you of the disposition of your case within 10 days after its determination.

Please direct any questions you may have about this matter to me at 287-6221.

Sincerely,



Jeremy J. Brown  
PAC, Party & Lobbyist Registrar

Enclosures: (2)

cc: Chrisso Rheault, Treasurer, P.O. Box 5258, Augusta, ME 04332-5258

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES  
PENALTY MATRIX FOR LATE PARTY COMMITTEE REPORT FILINGS**

**BASIS FOR PENALTIES  
21-A M.R.S.A. Section §1020-A**

**Committee Name:** Maine Democratic Party      **Report Title:** Independent Expenditure #5  
**Due Date:** September 19, 2008  
**Filed Date:** October 8, 2008  
**Previous Violation(s):** 1

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.**

<b>Penalty Example:</b>		<b>Your Penalty is calculated as follows:</b>	
The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is		Contributions / Expenditures:	<u>\$13,194.00</u>
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	x	<u>3%</u>
X .01	Percent prescribed for first violation		<u>\$395.82</u>
\$25.00	One percent of total contributions	x	<u>20</u>
X 2	Number of calendar days late		<u>\$7,916.40</u>
\$50.00	Total Penalty	Total penalty accrued:	<u><u>\$7,916.40</u></u>

**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(5-A)

\$500 for municipal, district and county committees



RECEIVED

OCT - 8 2008

MAINE ETHICS COMMISSION

IE #5

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 242 State Street, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

INDEPENDENT EXPENDITURE REPORT - 2008 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s) Maine Democratic State Committee
Mailing Address 16 Winthrop St. PO Box 5258
City, Zip Code Augusta 04332 Telephone 622-6233

Please check the appropriate box for the report you are filing and complete the notarized affidavit and attached schedules. Reports must be filed on Saturday or Sunday if that is when they are due by faxing the report to the Commission (287-6775). The Commission must receive the signed original report within 5 days after the fax was received.

INDEPENDENT EXPENDITURES OF MORE THAN \$250 PER CANDIDATE

- Independent expenditures of more than \$250 per candidate per election must be reported to the Commission within 24 hours of making the expenditure.
Once the aggregate amount per candidate exceeds \$250, any additional expenditures, regardless of amount, must be reported within 24 hours.
[X] Report of Independent Expenditure over \$250 per Candidate

INDEPENDENT EXPENDITURES OF MORE THAN \$100 AND UP TO \$250 PER CANDIDATE (SELECT ONE REPORT)

- If the total of expenditures per candidate exceeds \$100 but is not more than \$250, the expenditures must be reported according to the schedule below.
Once the amount per candidate exceeds \$100, all subsequent expenditures must be reported, regardless of amount, up to \$250 per candidate. Once the amount spent per candidate exceeds \$250 in the aggregate, independent expenditures must be reported within 24 hours.
Do not include expenditures that you listed in previously filed reports.
During the 13-day period before an election, all independent expenditures must be reported within 24 hours.

GENERAL ELECTION REPORTS

Table with 2 columns: Reporting Period, Filing Deadline. Rows include: Through July 5 (July 15), Through September 30 (October 10), Through October 21 (October 24), October 22 - November 4 (Within 24 Hours), Through December 9 (December 16).

OTHER

- Amendment to report dated:
Other (specify):

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

Signature of PAC or Party Treasurer, or Other Authorized Person Making Expenditure(s)

Date 10/8/08



**INDEPENDENT EXPENDITURE REPORT – 2008 GENERAL ELECTION**

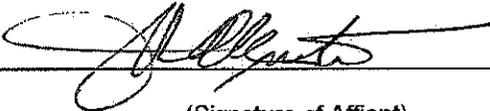
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**AFFIDAVIT**

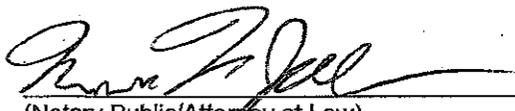
STATE OF Maine

COUNTY OF Kennebec

John A. Kolutsos, being duly sworn, attests that he/she made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, the candidates named in the report or the authorized committees or agents of the candidates.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to before me, this 8 day of October 2008

  
\_\_\_\_\_  
(Notary Public/Attorney at Law)

Schedule B-IE-1

CANDIDATE(S) SUPPORTED/OPPOSED

- Please list all candidates that were the subjects of independent expenditures.
- If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.

Office sought by candidate (including district # or county)	Candidate's name	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
SD 15	Deborah Simpson	support	\$ 6597
SD 15	Deborah Simpson	support	<del>\$ 6597</del>
			\$ 6597
<p style="text-align: center;">Total expenditures for all candidates this reporting period. This amount should equal the total independent expenditures listed on Schedule B-IE-2, Line C. ⇒</p>			\$13,194

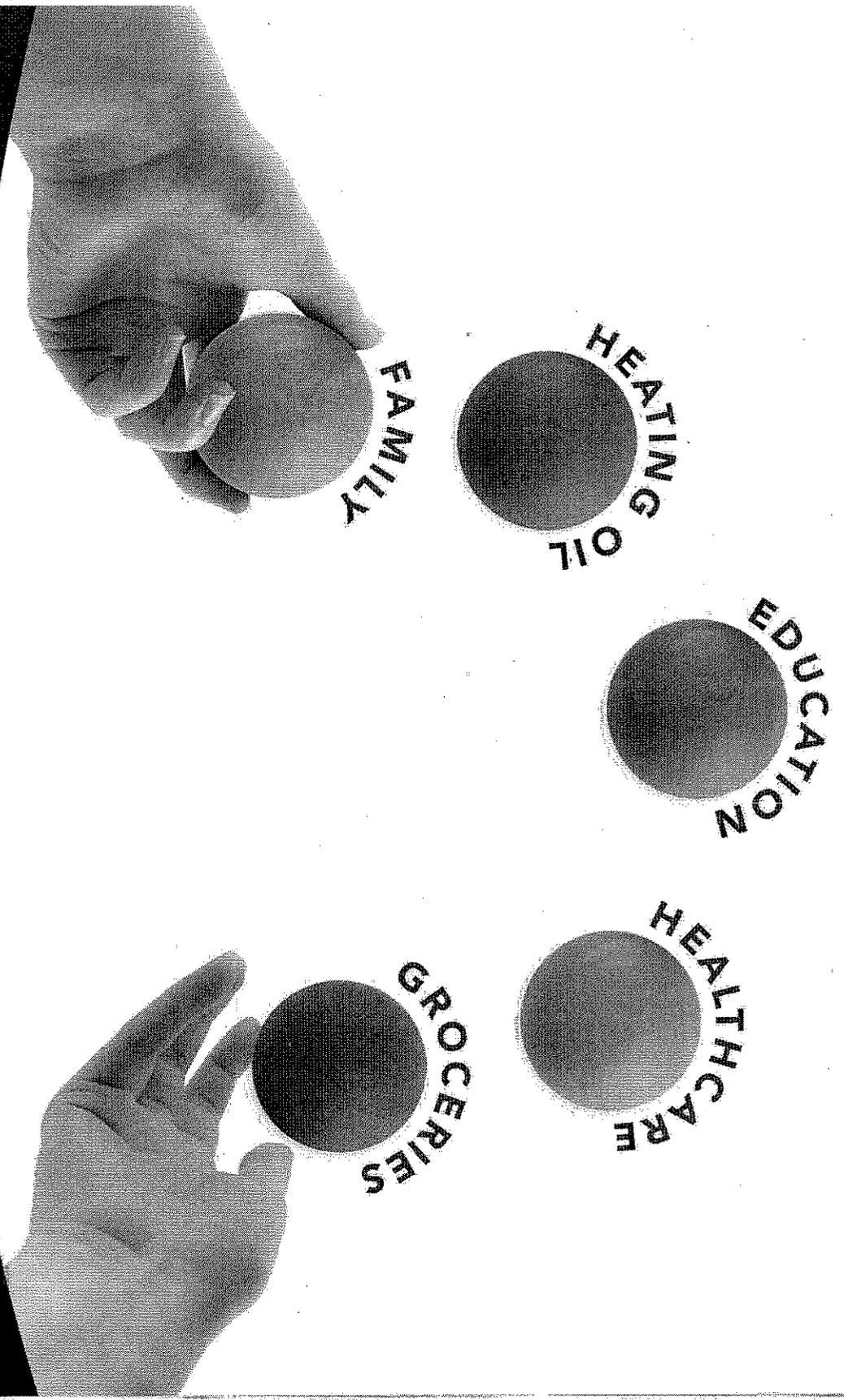
Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- Please indicate the date, payee, expenditure type, and amount of each expenditure.
- If you are reporting an agreement or obligation to make a future payment, please check (✓) the box next to the expenditure type.

Expenditure Types			
LIT	Printing and graphics (flyers, signs, palmcards, etc.)	PRT	Print media ads only (newspapers, magazines)
MHS	Mail house (all services purchased)	RAD	Radio ads, production costs
PHO	Phone banks, automated telephone calls	TVN	TV or cable ads, production costs
POL	Polling and research survey	WEB	Website design, registration, hosting, maintenance, etc.
POS	Postage for U.S. Mail and mail box fees	OTH	Other (include description)

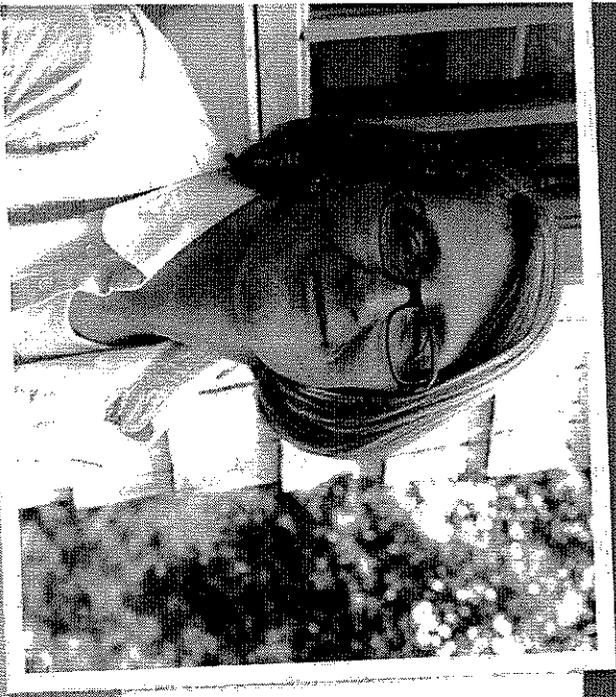
Date of expenditure	Payee, address, zip code	Expenditure type	✓	Amount
9-18-08	Owso Beychok Johnson	MHS		6597
9-18-08	Owso Beychok Johnson 362 Napoleon St. Baton Rouge, LA 70802	MHS		6597
A. Expenditures for this page =>				\$1,3194
B. Total for all other Schedule B-IE-2 pages (if any) =>				0
C. Total independent expenditures for this reporting period (A+B). This amount should equal the total amount for all candidates listed on Schedule B-IE-1. =>				413,194



Juggling Our Expenses is Tough...

# DEB SIMPSON

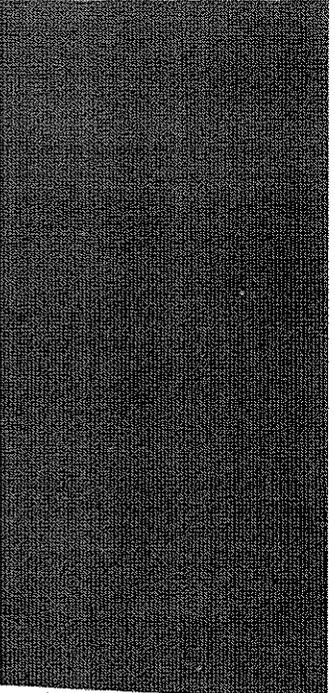
**Knows It's Hard to Make Ends Meet**



**As a single Mom in Auburn, Deb worked to support her family on \$3.18 an hour, plus tips, as a server at Tj's Restaurant.**

**Deb understands the tough times Maine families are going through. That's why as a State Representative, Deb has worked to cut taxes, made it easier for businesses to grow, and focused on reducing Maine's dependence on foreign oil.**





## *As our State Representative*

### **DEB HAS:**

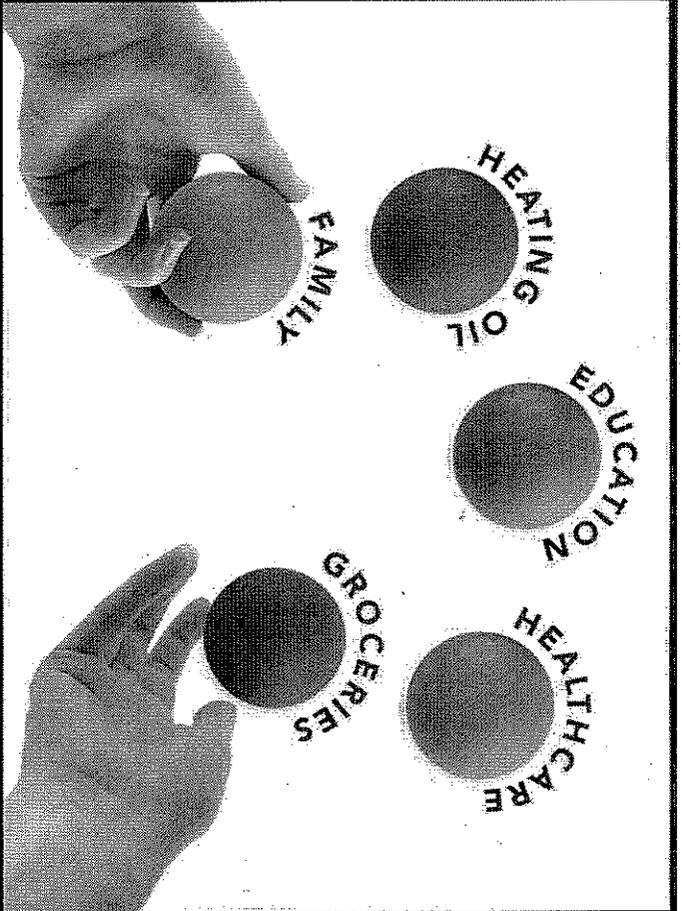
- ★ Cut taxes on businesses to promote small business growth
- ★ Doubled the Circuit Breaker Tax Rebate
- ★ Supported Alternative Energy development for municipalities
- ★ Prohibited government from taking Mainer's homes through eminent domain for private development
- ★ Created the Office of Energy Independence that includes a comprehensive biofuel action plan
- ★ Prevented price gouging during emergencies
- ★ Protected families from illegal attempts to purchase firearms by domestic violence abusers



## **DEB SIMPSON Understands What Families Are Going Through.**

*She's Representing us in Augusta.*

## **Deb Simpson for State Senate.**



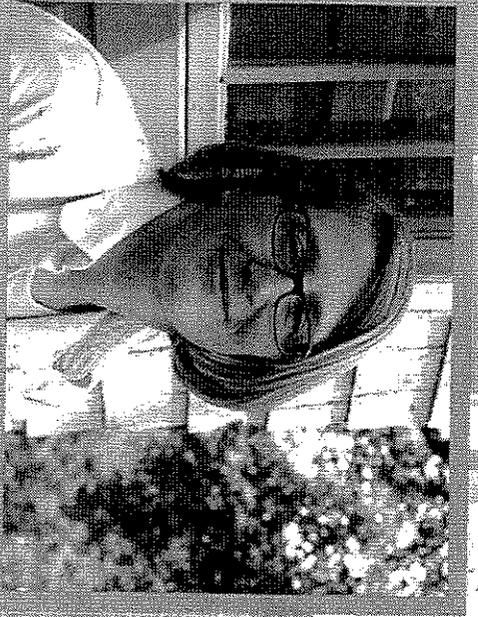
Juggling Our Expenses  
is Tough...

Non-profit Org.  
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Permit #492  
Portland, ME.

PO Box 5258  
Augusta, Maine 04332



John Hunter  
25 James St Apt 1  
Auburn, ME 04210-5083



## Deb Simpson Isn't Afraid of Hard Work

Deb Simpson understands it will take hard work to get Maine's economy going again. As a single-Mom, Deb worked for \$3.18 an hour plus tips as a server at TJ's Restaurant in Auburn to support herself and her son. Deb is working hard for us in Augusta.

Deb is working to make it easier for Maine's families to make ends meet. In the legislature, Deb Simpson has made healthcare more affordable, given businesses a \$70 million tax cut and helped make Maine independent of foreign oil. Deb Simpson will continue to work for Maine's families in the Senate.

## Deb Simpson is Continuing Her Service to Maine

As your next State Senator, Deb will continue to serve Maine's families.

- Delivering a strong economy with more higher paying jobs
- Improving and protecting access to healthcare
- Defending workers, seniors and children
- Preserving the environment for our families and the future
- Implementing an affordable, efficient statewide energy plan

DEB  
**SIMPSON**

SHE'S SERVING US IN AUGUSTA

Deb Simpson  
for State Senate

PO Box 5258  
Augusta, Maine 04332

Paid for by the Maine Democratic Party, 19 Windrop Street, Augusta, ME.  
Not Paid for or Authorized by any candidate.

John Hunter  
25 James St Apt 1  
Augusta, ME 04210-5083

005004\*\*\*\*\*5-DIGIT 04210  
000263

Non-profit Org.  
U.S. Postage  
PAID  
Permit #492  
Portland, ME.

DEB  
**SIMPSON**  
SHE'S SERVING US IN AUGUSTA

	DISTRICT	VOTERS	SENATOR	DATE
	15	All	Deb	11/4/2008
APPT. · SOUP · ENTREE · VEG/POT · DESSERT · BEV				
1	1			Tax cut on businesses to promote small business growth
2				Supported Alternative Energy
3	1			Supported Alternative Energy development for municipalities
4				
5	1			Prohibiting government from taking Mainer's homes through eminent domain for private development
6				
7				
8	1			Created the Office of Energy Independence that includes a comprehensive biofuel action plan
9				
10				
11				

## 21-A §1019-B. Reports of independent expenditures

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## 21-A §1019-B. Reports of independent expenditures

**1. Independent expenditures; definition.** For the purposes of this section, an "independent expenditure":

\* A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and [2003, c. 448, §3 (NEW).]

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day. [2007, c. 443, Pt. A, §20 (AMD).]

[ 2007, c. 443, Pt. A, §20 (AMD) .]

**2. Rebutting presumption.** A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

[ 2003, c. 448, §3 (NEW) .]

**3. Report required; content; rules.** A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 448, §3 (NEW).]

B. A report required by this subsection must contain an itemized account of each contribution or

expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the contribution or 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. [2003, c. 448, §3 (NEW).]

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. [2003, c. 448, §3 (NEW).]

[ 2003, c. 448, §3 (NEW) .]

SECTION HISTORY

2003, c. 448, §3 (NEW). 2007, c. 443, Pt. A, §20 (AMD).

4. **24-Hour Report.** Any candidate who is required to file a trigger report must file an updated report with the Commission reporting single expenditures of \$1,000 or more by candidates for Governor, \$750 by candidates for State Senator, and \$500 by candidates for State Representative made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the date of that election. The report must be submitted to the Commission within 24 hours of those expenditures.
5. **Filing by Facsimile or Electronic Means.** For purposes of this section, reports may be filed by facsimile or by other electronic means acceptable to the Commission, and such reports will be deemed filed when received by the Commission provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

#### SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
  - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
  - B. "Expressly advocate" means any communication that uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!".
  - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
  - A. Independent expenditures aggregating in excess of \$100 per candidate per election but not in excess of \$250 made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, except that expenditures made

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

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## 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.

[ 1995, c. 483, §15 (NEW) .]

**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 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. [1999, c. 729, §5 (NEW) .]

[ 2007, c. 443, Pt. A, §21 (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.

[ 1995, c. 625, Pt. B, §5 (AMD) .]

### 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, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, 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.

The penalty for late filing of an accelerated campaign finance report as required in section 1017, subsection 3-B may be up to but no more than 3 times the amount by which the contributions received or expenditures obligated or made by the candidate exceed the applicable Maine Clean Election Fund disbursement amount, per day of violation. The commission shall make a finding of fact establishing when the report was due prior to imposing a penalty under this subsection. A penalty for failure to file an accelerated campaign finance report must be made payable to the Maine Clean Election Fund. In assessing a penalty for failure to file an accelerated campaign finance report, the commission shall consider the existence of mitigating circumstances. For the purposes of this subsection, "mitigating circumstances" has the same meaning as in subsection 2.

[ 2007, c. 443, Pt. A, §22 (AMD) .]

## 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 or F; section 1017, subsection 4; and section 1019-B, subsection 3; [2003, c. 448, §4 (AMD).]

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; [2003, c. 628, Pt. A, §4 (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; [2003, c. 628, Pt. A, §4 (AMD).]

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B; or [2003, c. 628, Pt. A, §4 (AMD).]

E. Three times the unreported amount for reports required under section 1017, subsection 3-B, if the unreported amount is less than \$5,000 and the commission finds that the candidate in violation has established, by a preponderance of the evidence, that a bona fide effort was made to file an accurate and timely report. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF).]

## 21-A §1127. Violations

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**PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.**

## 21-A §1127. Violations

\* **1. Civil fine.** In addition to any other penalties that may be applicable, a person who violates any provision of this chapter or rules of the commission adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund. The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. This fine is recoverable in a civil action. In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

[ 2005, c. 542, §6 (AMD) .]

**2. Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

[ 1995, c. 1, §17 (NEW) .]

### SECTION HISTORY

IB 1995, c. 1, §17 (NEW). 2003, c. 81, §1 (AMD). 2005, c. 301, §33 (AMD). 2005, c. 542, §6 (AMD).

October 20, 2008

Mr. Jonathan Wayne  
Executive Director  
Maine Commission Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

**RECEIVED**

OCT 21 2008

MAINE ETHICS COMMISSION

**RE: Request for Waiver of Penalty for Late Independent Expenditure Report for Deborah Simpson**

Dear Jonathan,

On behalf of the Maine Democratic Party ("MDP"), I would like to request a waiver of the penalty received for the late filing of the independent expenditure report for the Deborah Simpson mail piece, which was filed on October 8, 2008. In this case, the vendor (Ourso Beychock Johnson ("OBJ")), who designed the mail piece, independently changed the language of the Deborah Simpson mail pieces (following final approval of the MDP), transforming the mail pieces from issue advocacy to express advocacy, without the knowledge of the MDP. Importantly, OBJ has taken full responsibility for this error. See Ex. A, Letter from Michael Beychock to Chuck Quintero, October 8, 2008.

Pursuant to 21-A M.R.S.A. § 1020-A, the Ethics Commission may waive the penalty (for late filing of a report) "if the commission determines the failure to file a timely report was due to mitigating circumstances." "Mitigating circumstances" include "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." 21-A M.R.S.A. § 1020-A(2).

In this case, the MDP made a bona fide effort to file in accordance with statutory requirements. The MDP directed OBJ to design several issue advocacy pieces regarding Deborah Simpson's campaign for the State Senate and planned to report these expenditures on October 10, 2008 as part of the October Quarterly report. However, the Simpson issue advocacy mail pieces, which were finally approved by the MDP, were subsequently altered by OBJ to "Simpson for Senate," thereby transforming the issue advocacy into express advocacy. Within 24 hours of learning from the Ethics Commission that the Simpson mail pieces were not, in fact, issue advocacy pieces, but express advocacy pieces, the MDP filed an independent expenditure report.

Specifically, the following are the chain of events, leading up to OBJ independently altering the Simpson mail pieces at issue in this case:

October 20, 2008

Page 2

- On September 3, MDP received from OBJ the first draft of the *Simpson Juggler* and *Simpson Serving* pieces which do not contain the “vote for” language. See Ex. B.
- On September 6, MDP put the pieces through MDP’s internal fact checking process and sent edits to OBJ. The evening of September 6, MDP received the first edits of the *Simpson Serving* piece and *Simpson Juggler* required no edits. Neither mail piece contained the “vote for” language. See Ex. C.
- On September 8, *Simpson Juggler* and *Simpson Serving* pieces were sent to Dan Walker (MDP General Counsel) and Arden Manning (MDP Executive Director) for approval. See Ex. D.
- On September 12, *Simpson Juggler* piece received to review formatting with no change in content from September 8 approvals. This piece contained no “vote for” language. See Ex. E.
- On September 14, MDP received a second batch of proofs from OBJ, which included from the September 8 approval both the *Simpson Juggler* and *Simpson Serving* pieces (sent in separate emails). Several pieces of this batch required formatting fixes, which we re-reviewed; there was no change in content to any of these pieces. Again, neither piece contained the “vote for” language. See Ex. F.
- On September 15, MDP confirmed with OBJ the final approval of 10 pieces of mail including the *Simpson Juggler* and *Simpson Serving* pieces, including minor formatting changes. The proofs OBJ had previously sent to the MDP did not contain the “vote for” language. See Ex. G. OBJ uploaded to the printer, Atkins Printing, the versions approved by the MDP. See Ex. H (OBJ email timeline and attachments).
- On September 16, OBJ received back from the printer the two proofs for *Simpson Juggler* and *Simpson Serving*, and neither piece contained the “vote for” language. At this point, OBJ decided to “make the mail better” and directed its designer to add the “vote for” language in both of these Simpson mail pieces. See Ex. H. OBJ did not apprise MDP of these changes, as they misunderstood Maine’s regulations governing express advocacy, and believed they were making a simple change.
- On September 18, OBJ directed Atkins Printing to print the *Simpson Juggler* and *Simpson Serving* mail pieces sent to the mailhouse for delivery to Maine. MDP received the invoice for *Simpson Juggler* and *Simpson Serving*. See Ex. I.
- On September 26, MDP altered Ethics Commission to error with the Bowman Vets Piece. At this point, we reviewed all of our approved mail and uncovered no other problems. *Simpson Juggler* and *Simpson Serving* proofs still do not contain “vote for” language.
- On September 26, *Simpson Serving* was sent to the post office for delivery.

PRETI FLAHERTY

October 20, 2008

Page 3

- On September 26, *Simpson Juggler* was sent to the post office for delivery.
- On October 7, MDP received notification of the inclusion of the “vote for” language in the *Simpson Juggler* and *Simpson Serving* pieces from the Ethics Commission. Within 24 hours, MDP filed an Independent Expenditure report on October

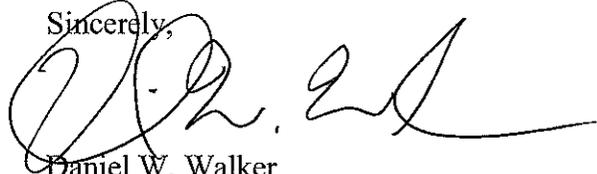
In summary, the MDP made a bona fide effort to file reports regarding the *Simpson Juggler* and *Simpson Serving* mail pieces with the Ethics Commission in a timely manner with the October Quarterly reports on October 10th. However, the vendor’s independent action following MDP’s final approval of the mail pieces at issue, transformed the mail pieces from issue advocacy to express advocacy without the knowledge of the MDP, thereby necessitating a report 24 hours from the date of the independent expenditure. As soon as the MDP received notice from the Ethics Commission that the Simpson mail pieces had been mailed as express advocacy, the MDP filed independent expenditure reports within 24 hours.

At this point, Deborah Simpson’s opponent, Senator Lois Snow-Mello has received her matching funds, so the harm to Snow-Mello has been mitigated. The proposed preliminary penalty of \$5000.00 to the MDP should also be mitigated and waived. Political parties rely on mail vendors to follow orders and not to change the language of a mail piece once it has been approved by the party. It would be impractical for political parties (or for any customer) to monitor the printing process and the mail house process once the mail pieces are delivered from the vendor to the printer and the mail house.

In this case, the mail vendor, OBJ, takes full responsibility for the error, and as a result, the Ethics Commission should waive the penalty in full that has been imposed on the MDP by the Commission for the late filing of the two Deborah Simpson mail pieces.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Walker', with a long horizontal flourish extending to the right.

Daniel W. Walker

Counsel to the Maine Democratic Party

# **EXHIBIT A**



October 8, 2008

Chuck Quintero

Director – Maine Senate Democrat Caucus

Dear Chuck:

After being made aware of the Deb Simpson caucus mailers that contained the “vote for” language I tried to reconstruct the process by which these pieces were approved for print by Ourso Beychok Johnson.

It is clear from email exchanges between our office staff and the printer that the change was made to ADD the “vote for” language after you – on behalf of the Caucus – had approved an earlier version without the language. Therefore, the Caucus was certainly unaware of the insertion of the language until the mail was presented to you on October 7<sup>th</sup> via an email from the Ethics Commission.

It was our intent to “make the mail better” and our misunderstanding of the legal and ethical regulations governing the express advocacy language so we made the change at the last minute.

It was not our intent to express advocate for Deb Simpson.

To be clear, I personally made this change in design after you had approved a version without the express advocacy language. I can provide you with email exchanges and printer proofs which clearly show how this unfortunate sequence of events took place without your knowledge. Our intent was not to hide this from the Caucus but simply to make the mail piece a little stronger after we misinterpreted the legal language governing express advocacy.

Our firm takes full responsibility and regrets this error that has led to the release of matching funds for Simpson’s opponent.

Sincerely,

Michael Beychok

Ourso Beychok Johnson

## **EXHIBIT B**

more mailers.txt

From: michael@objmail.com  
Sent: Wednesday, September 03, 2008 7:03 PM  
To: chuckquintero@gmail.com  
Cc: apringle@mainedems.org; treyourso@bellsouth.net  
Subject: more mailers  
Attachments: Maine.pdf; Simpson Juggler-1.1.pdf; Simpson ServingMaine1.pdf  
Categories: Red Category

Here are some more.

---

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HEATING OIL

HOURS of the DAY

FAMILY

Juggling Our Expenses  
is Tough...

# DEB SIMPSON

**Understands  
Making Ends  
Meet is Tough.**



**As a single Mom,  
Deb worked for \$3.18 an hour plus  
tips as a server at TJ's Restaurant in  
Auburn to support herself and her family.**

**Deb understands the tough times families in Maine are going  
through. That's why as a State Representative, Deb has worked  
to cut taxes, make it easier for businesses to grow, and focused  
on reducing Maine's dependence on foreign oil.**

## **As our State Representative Deb has:**

- ★ Cut taxes on businesses to promote small business growth
- ★ Doubled the Circuit Breaker Tax Rebate
- ★ Supported Alternative Energy development for municipalities
- ★ Prohibited government from taking Mainer's homes through eminent domain for private development
- ★ Created the Office of Energy Independence that includes a comprehensive biofuel action plan
- ★ Prevented price gouging during emergencies
- ★ Protected families from illegal attempts to purchase firearms by domestic violence abusers

## DEB SIMPSON

**Understands What Families Are Going Through.**

*She's Representing us in Augusta.*

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11/4/2008

DISTRICT 15  
VOTERS All  
SENATOR Deb

1 Tax cut on businesses to promote

small business growth

1 Supported Alternative Energy  
development for municipalities

1 Prohibiting government from taking  
Maine's homes through eminent  
domain for private development

Created the Office of Energy  
1 Independence that includes a  
comprehensive biofuel action plan

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Portland, ME

## Deb Simpson is Continuing Her Service to Maine

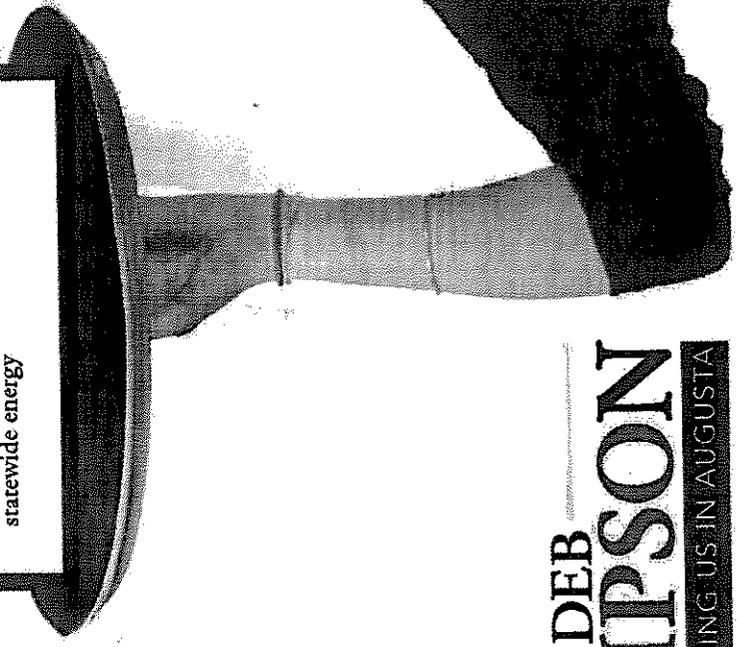
As your next State Senator, Deb will continue to serve the Maine's families.

- Delivering a strong economy with more higher paying jobs
- Improving and protecting access to healthcare
- Defending workers, seniors and children
- Preserving the environment for our families and the future
- Implementing an affordable, efficient statewide energy

## Deb Simpson Isn't Afraid of Hard Work

Deb Simpson understands it will take hard work to get Maine's economy going again. As a single Mom, Deb worked for \$3.18 an hour plus tips as a server at TJ's Restaurant in Auburn to support herself and her son. Deb is working hard for us in Augusta.

Deb is working to make it easier for Maine's families to make ends meet. In the legislature, Deb Simpson has made healthcare more affordable, given businesses a \$70 million tax cut and helped make Maine independent of foreign oil. In the Senate, Deb Simpson will continue to work for Maine's families in the Senate.



DEB  
**SIMPSON**

SHE'S SERVING US IN AUGUSTA

## **EXHIBIT C**

FW mail changes.txt

To: Daniel W. Walker (Dwalker@preti.com)  
Subject: FW: mail changes

-----Original Message-----

From: Chuck Quintero [mailto:cquintero@mainedems.org]  
Sent: Saturday, September 06, 2008 3:26 PM  
To: 'michael@objmail.com'  
Subject: RE: mail changes

The piece still contains the error  
helped the school and the municipal government  
to work hand-in-hand for a better community  
should read  
helped the school and the municipal government  
work hand-in-hand for a better community

Unless I am wrong on the grammar that is.

-----Original Message-----

From: michael@objmail.com [mailto:michael@objmail.com]  
Sent: Saturday, September 06, 2008 2:51 PM  
To: cquintero@mainedems.org  
Subject: RE: mail changes

cquintero@mainedems.org wrote:

>Looks great! Two small items.

>

> should be "helped the school and municipal government work  
>hand in hand\*\_ for a better community"

>

>\*Simpson Serving:\* The line "Deb will  
>continue to serve by Maine's families" sounds funny, maybe it should be  
>"stand by maine's families" or continue to serve maine's families"

>

>

>-----Original Message-----

>From: michael@objmail.com [mailto:michael@objmail.com]  
>Sent: Saturday, September 06, 2008 12:07 PM  
>To: apringle@mainedems.org; treyourso@bellsouth.net;  
>travis@objmail.com; cquintero@mainedems.org  
>Subject: Re: mail changes

>

>

>

>

>apringle@mainedems.org wrote:

>>Below are the list of changes our Staff have recommended to the  
>>mail pieces after fact checking:

>>

>>

>>

>>"Helped bring hundreds of new jobs to /\*the\* ' - at

>>  
>>"provided */\*increased\*/* funding for school breakfasts"  
>>\*  
>>Deb Simpson Fresh Start:\*  
>>  
>>Remove the word action from "...includes a biofuel action plan to  
>>increase..."  
>>  
>>\*  
>>  
>> record shows he gets results that count. He did it */\*in\*/*  
>>Samford."  
>>  
>> Delivering:\*  
>>  
>>"Passed legislation to increase the share of electricity generated  
>>from renewable resources */\*by\*/* 10% by 2017"  
>>  
>> is improving access to */\*affordable\*/* healthcare"  
>>  
>>Remove bullet "funded universal childhood immunization program (we  
>>didn't end up funding it, it died in committee)"  
>>  
>>"provided */\*increased\*/* funding for school breakfasts"  
>>  
>> 155,000:\*  
>>  
>>Do we have a source for the 155,000 claim?  
>>  
>>r raised */\*the\*/* amount of energy grants to vets to  
>>*/\*\$1000\*/* (it was proposed at \$5000, ended up passing at \$1000)  
>>  
>>"...an emergency grant from \$500 to */\*\$1000\*/* to help Maine's..."  
>>  
>> Target:  
>>  
>>"...that commit to hiring more employees - giving Maine businesses a  
>>tax break of \$70 million (the \$70 million cut comes from eliminating  
>>the BETR tax, not Pine Tree Zones, we need to make that clear)"  
>>\*  
>>\*Background map: The map in the background is great, but it is of  
>>*/\*Maine\*/*, the map needs to be  
>>of HIS DISCUSS.  
>>  
>>\*Deb Serving:\*  
>>  
>>"Deb is working hard for */\*Augusta\*/* (add a "t")"  
>>  
>>  
>>"Implementing an affordable, efficient, statewide energy */\*plan\*/*"  
>>  
>>\*  
>>  
>> raised amount of emergency grants to vets to */\*\$1000\*/*"  
>>  
>>"...emergency grant from \$500 to */\*\$1000\*/* to help maine's..."  
>>  
>>\*  
>>  
>>"Passed legislation to increase the share of electricity generated  
>>from renewable resources */\*by\*/* 10% by 2017"  
>>  
>>\* \*  
>>\*

FW mail changes.txt

>>

>>Same problem with Pine Tree Zones, you're counting the BETR tax cut  
>>twice. Remove the line from the second bullet that says "giving  
>>businesses a a tax break of \$70 million"

>>

>>That's it from our Staff. If you have any questions about these  
>>changes feel free to call me at 207-318-5019.

**DEB SIMPSON**  
SHE'S SERVING US IN AUGUSTA

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DISTRICT 15 VOTERS All SENATOR Deb  
11/4/2008  
APPT. SOUP • ENTREE • VEG/POT • DESSERT • BEV

- 1 Tax cut on businesses to promote small business growth
- 2
- 3 Supported Alternative Energy development for municipalities
- 4
- 5 Prohibiting government from taking Mainer's homes through eminent domain for private development
- 6
- 7
- 8 Created the Office of Energy Independence that includes a comprehensive biofuel action plan
- 9
- 10
- 11
- 12

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Portland, ME

## Deb Simpson is Continuing Her Service to Maine

As your next State Senator, Deb will continue to serve Maine's families.

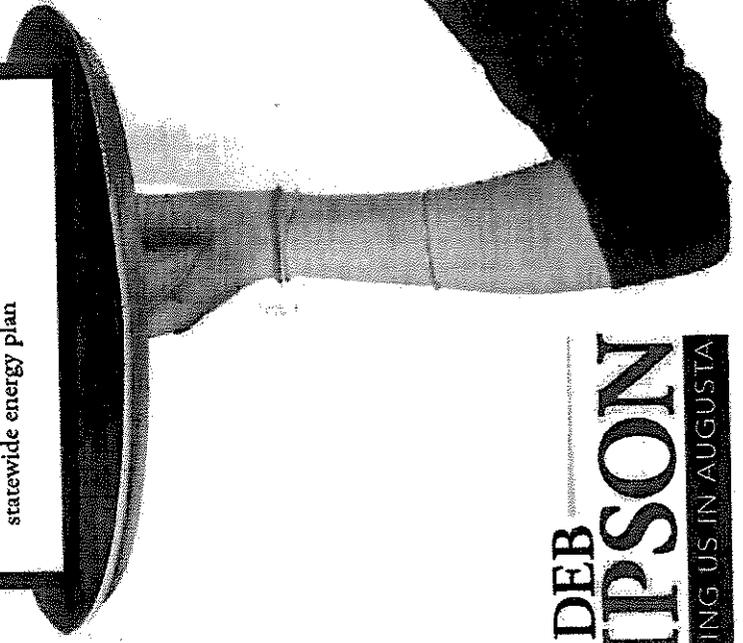
- Delivering a strong economy with more higher paying jobs
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## Deb Simpson Isn't Afraid of Hard Work

Deb Simpson understands it will take hard work to get Maine's economy going again.

As a single Mom, Deb worked for \$3.18 an hour plus tips as a server at TJ's Restaurant in Auburn to support herself and her son. Deb is working hard for us in Augusta.

Deb is working to make it easier for Maine's families to make ends meet. In the legislature, Deb Simpson has made healthcare more affordable, given businesses a \$70 million tax cut and helped make Maine independent of foreign oil. Deb Simpson will continue to work for Maine's families in the Senate.



DEB  
**SIMPSON**  
SHE'S SERVING US IN AUGUSTA

## **EXHIBIT D**

FW.txt  
To: Daniel W. Walker (Dwalker@preti.com)  
Cc: Arden Manning  
Subject: FW:  
Attachments: Simpson Juggler-1.1.pdf; Simpson  
Simpson ServingMaine1.pdf;  
Fresh Start-1.00.pdf; Simpson Juggler-1.1.pdf; Simpson ServingMaine1.pdf;

From: Chuck Quintero [mailto:chuckquintero@gmail.com]  
Sent: Monday, September 08, 2008 11:06 AM  
To: 'Arden Manning'  
Subject:

Arden,

We plan on sending the attached mail using the parties mail permit. Can you please sign off on these so we can get them to print ASAP.

Thanks

Chuck Quintero  
Senate Caucus Director  
Maine Senate Democratic Campaign Committee  
PMB 237  
126 Western Ave.  
Augusta, ME 04333  
Phone: 207-622-6233 ext 125  
Cell: 207-838-7181

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is Tough...

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Meet is Tough.



**As a single Mom, Deb worked for \$3.18 an hour plus tips as a server at TJ's Restaurant in Auburn to support herself and her family.**

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## **As our State Representative Deb has:**

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- ★ Protected families from illegal attempts to purchase firearms by domestic violence abusers

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DISTRICT 15 VOTERS All SENATOR Deb 11/4/2008

APPT. SOUP • ENTREE • VEG/POT • DESSERT • BEV

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**SIMPSON**  
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DISTRICT 15  
VOTERS All  
SENATOR Deb  
11/4/2008

- 1 Tax cut on businesses to promote small business growth
- 1 Supported Alternative Energy development for municipalities
- 1 Prohibiting government from taking Mainer's homes through eminent domain for private development
- 1 Created the Office of Energy Independence that includes a comprehensive biofuel action plan

Non-profit Org.  
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Portland, ME.

## Deb Simpson is Continuing Her Service to Maine

As your next State Senator, Deb will continue to serve the Maine's families.

- Delivering a strong economy with more higher paying jobs
- Improving and protecting access to healthcare
- Defending workers, seniors and children.
- Preserving the environment for our families and the future
- Implementing an affordable, efficient statewide energy

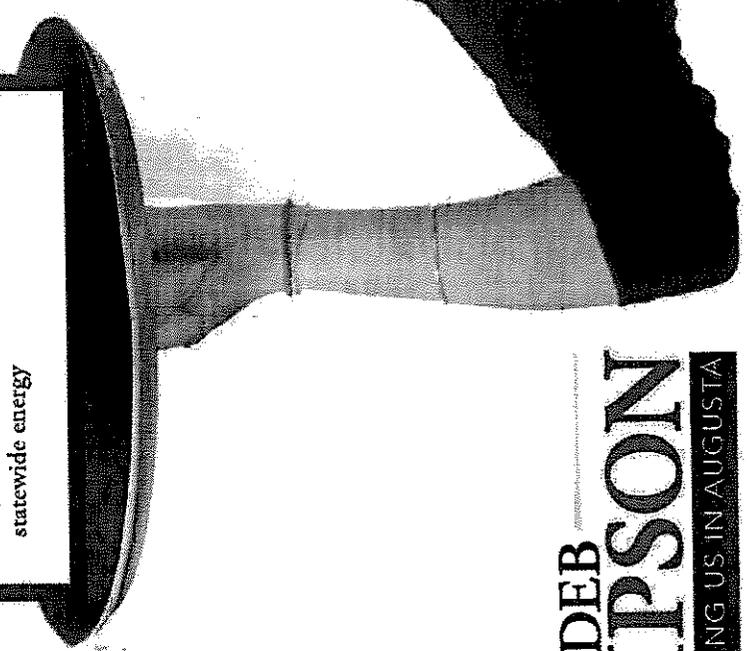


## Deb Simpson Isn't Afraid of Hard Work

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DEB  
**SIMPSON**  
SHE'S SERVING US IN AUGUSTA



**EXHIBIT E**

**Palmer, Roberta York**

---

**From:** Walker, Daniel W.  
**Sent:** Tuesday, October 21, 2008 1:00 AM  
**To:** Palmer, Roberta York  
**Subject:** FW: Sept 12



FW Simpson  
juggler.txt



Simpson  
Juggler-2.pdf

Please print

-----Original Message-----

**From:** Chuck Quintero [mailto:chuckquintero@gmail.com]  
**Sent:** Monday, October 20, 2008 4:58 PM  
**To:** Walker, Daniel W.  
**Cc:** Arden Manning  
**Subject:** Sept 12

FW Simpson juggler.txt  
To: Daniel W. Walker (Dwalker@preti.com)  
Subject: FW: Simpson juggler  
Attachments: Simpson Juggler-2.pdf

-----Original Message-----

From: Michael Beychok [mailto:michael@objmail.com]  
Sent: Friday, September 12, 2008 2:49 PM  
To: apringle@mainedems.org; 'Chuck Quintero'  
Subject: FW: Simpson juggler

Not sure y'all saw this one.

**Juggling Our Expenses  
is Tough...**

A hand is shown juggling five balls. The balls are labeled: HEATING OIL, EDUCATION, HEALTHCARE, GROCERIES, and FAMILY. The hand is positioned at the bottom, with the balls in various stages of being tossed or caught.

PO Box 5028  
August, Maine 04332

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Permit No. 108

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A hand is shown juggling five balls. The balls are labeled: HEATING OIL, EDUCATION, HEALTHCARE, GROCERIES, and FAMILY. The hand is positioned at the bottom, with the balls in various stages of being tossed or caught.

# **EXHIBIT F**

FW more to look at.txt  
To: Daniel W. Walker (Dwalker@preti.com)  
Subject: FW: more to look at  
Attachments: { -df; pdf; Simpson ServingMaine1.pdf;

-----Original Message-----

From: Michael Beychok [mailto:michael@objmail.com]  
Sent: Sunday, September 14, 2008 5:41 PM  
To: 'Alex Pringle'; 'Chuck Quintero'  
Subject: more to look at

We need to get these approved so we can stay ahead of the curve.

Alex, I'll have invoices for you tomorrow on the first batch.

Michael

**DEB SIMPSON**  
 SHE'S SERVING US IN AUGUSTA

PO Box 5258  
 Augusta, Maine 04332

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 Portland, ME



DISTRICT	VOTERS	SENATOR	DATE
15	All	Deb	11/4/2008

APPT. SOUP • ENTREE • VEG/POT • DESSERT • BEV

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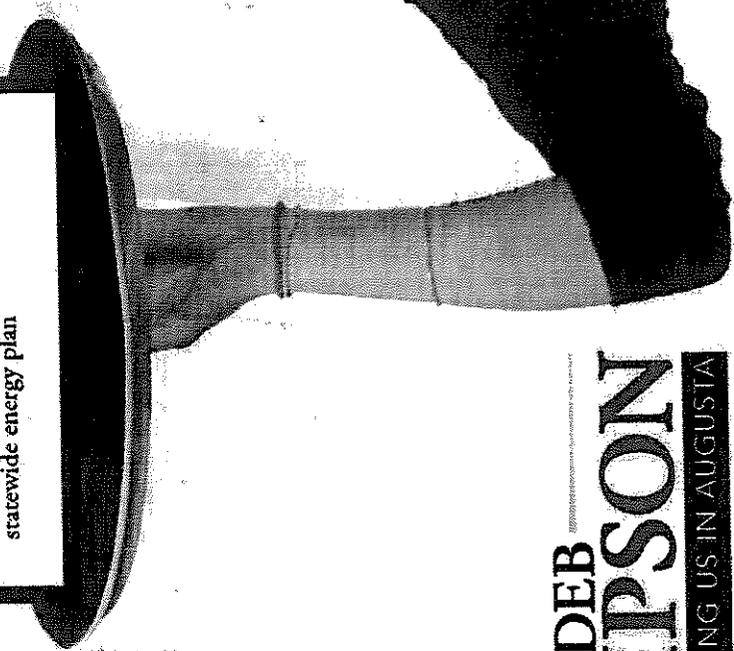
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PHOTOGRAPH BY JEFFREY M. HARRIS  
**DEB  
SIMPSON**  
PHOTOGRAPH BY JEFFREY M. HARRIS  
**SHE'S SERVING US IN AUGUSTA**

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- ★ Protected families from illegal attempts to purchase firearms by domestic violence abusers

## DEB SIMPSON

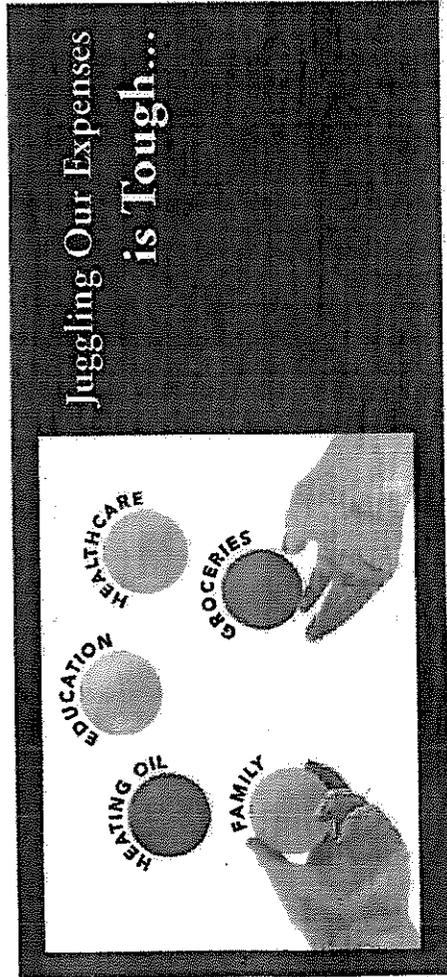
Understands What Families Are Going Through.  
*She's Representing us in Augusta.*

FW some mailers to look at.txt  
To: Daniel W. Walker (Dwalker@preti.com)  
Subject: FW: some mailers to look at  
Attachments:

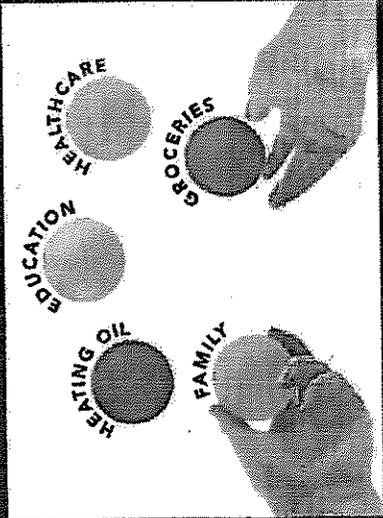
jdf; Simpson Juggler-v2.pdf;  
3.pdf

-----Original Message-----

From: Michael Beychok [mailto:michael@objmail.com]  
Sent: Sunday, September 14, 2008 5:32 PM  
To: 'Alex Pringle'; 'Chuck Quintero'  
Subject: some mailers to look at

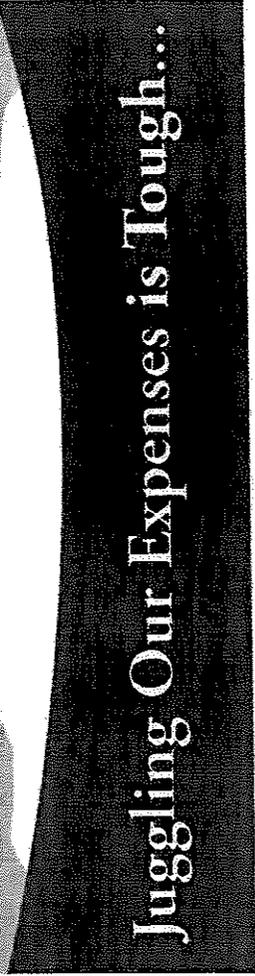


Juggling Our Expenses  
is Tough...



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Ball & Pin, Inc. 2000 Maple Hill, Westbrook, ME 04092  
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Understands What Families Are Going Through.

*She's Representing us in Augusta.*

## **EXHIBIT G**

Mail review..txt  
From: Chuck Quintero [chuckquintero@gmail.com]  
Sent: Monday, September 15, 2008 3:21 PM  
To: 'Michael Beychok'; 'treyourso@bellsouth.net'; 'Travis D. worl'  
Cc: 'Alex Pringle'  
Subject: Mail review.

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de  
id

lines  
1 48

\* Simpson Suggest Good  
\* Simpson Serving Good  
\*

the

# **EXHIBIT H**

Timeline:

9/14 - 4:32 pm - sent proofs to Alex Pringle and Chuck Quintero that included Simpson Juggling. Proof attached.

9/14 - 4:41 pm - sent proofs to Alex Pringle and Chuck Quintero that included Simpson serving. Proof attached.

**9/15 received following email as approval:**

**From:** Chuck Quintero [mailto:chuckquintero@gmail.com]

**Sent:** Monday, September 15, 2008 2:21 PM

**To:** 'Michael Beychok'; treyourso@bellsouth.net; 'Travis D. Worl'

**Cc:** 'Alex Pringle'

**Subject:** Mail review.

- 
- 
- 
- 

ge 2

- Simpson Juggler-Good
- Simpson Serving-Good
- 

9/16 at 9:35am and 10:44 am received proofs from SAM at atkin's printing.  
(attached)

-----Original Message-----

**From:** --Sam-- [mailto:sam@atkinsprinting.com]

**Sent:** Tuesday, September 16, 2008 10:44 AM

**To:** michael@objmail.com

**Cc:** treyourso@bellsouth.net; wooten@objmail.com; Travis D. Worl;  
rebecca@objmail.com

**Subject:** Simpson Juggling PDF Proof

Simpson Juggling

-----Original Message-----

**From:** --Sam-- [mailto:sam@atkinsprinting.com]

**Sent:** Tuesday, September 16, 2008 9:35 AM

**To:** michael@objmail.com

Cc: treyurso@bellsouth.net; wooten@objmail.com; Travis D. Worl;  
rebecca@objmail.com  
Subject: Simpson Serving PDF Proof

Simpson serving

-----Original Message-----

From: Michael Beychok [mailto:michael@objmail.com]  
Sent: Tuesday, September 16, 2008 12:18 PM  
To: 'STUN Design'  
Subject: cahnges to pieces at atkins

They cannot change pdfs up there. Then I'll give you the OK to upload again to atkins. Thanks.

Stack

Ins

Simpson Juggling: page 3 bottom add - Deb Simpson for State Senate.

-----Original Message-----

From: Michael Beychok [mailto:michael@objmail.com]  
Sent: Tuesday, September 16, 2008 12:37 PM  
To: 'STUN Design'  
Subject: one other change

On Simpson serving.

Add Deb Simpson for State Senate

At the bottom under her logo thing.

RECEIVED updated proofs from Atkins on:

-----Original Message-----

From: --Sam-- [mailto:sam@atkinsprinting.com]

Sent: Wednesday, September 17, 2008 7:57 AM

To: michael@objmail.com

Cc: treyourso@bellsouth.net; wooten@objmail.com; Travis D. Worl;  
rebecca@objmail.com

Subject: Zipped Proofs here

**Walker, Daniel W.**

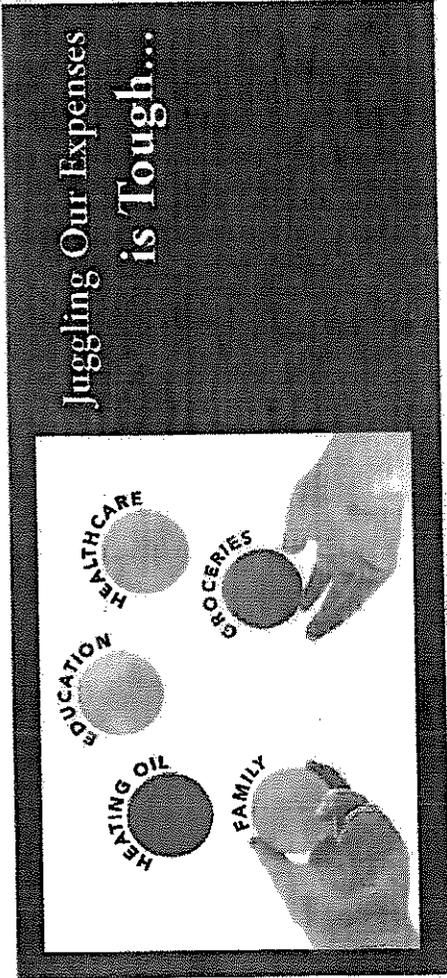
---

**From:** Chuck Quintero [chuckquintero@gmail.com]  
**Sent:** Tuesday, October 21, 2008 12:04 PM  
**To:** Walker, Daniel W.  
**Subject:** FW: simpson timeline  
**Attachments:** Simpson Juggler-v2.pdf; Simpson Serving.proof.pdf; Simpson ServingMaine1.pdf; Simpson timeline.doc; Simpson.proof.pdf; Simpson Servingadd.PROOF.pdf; Simpsonadded.PROOF.pdf

**From:** Michael Beychok [mailto:michael@objmail.com]  
**Sent:** Monday, October 20, 2008 1:43 PM  
**To:** 'Chuck Quintero'  
**Subject:** simpson timeline

The two that are called "proofs" are the first ones from the printer. The ones with numbers after them are the ones you approved. The ones called add are the ones from atkins the second time - after I added the language.

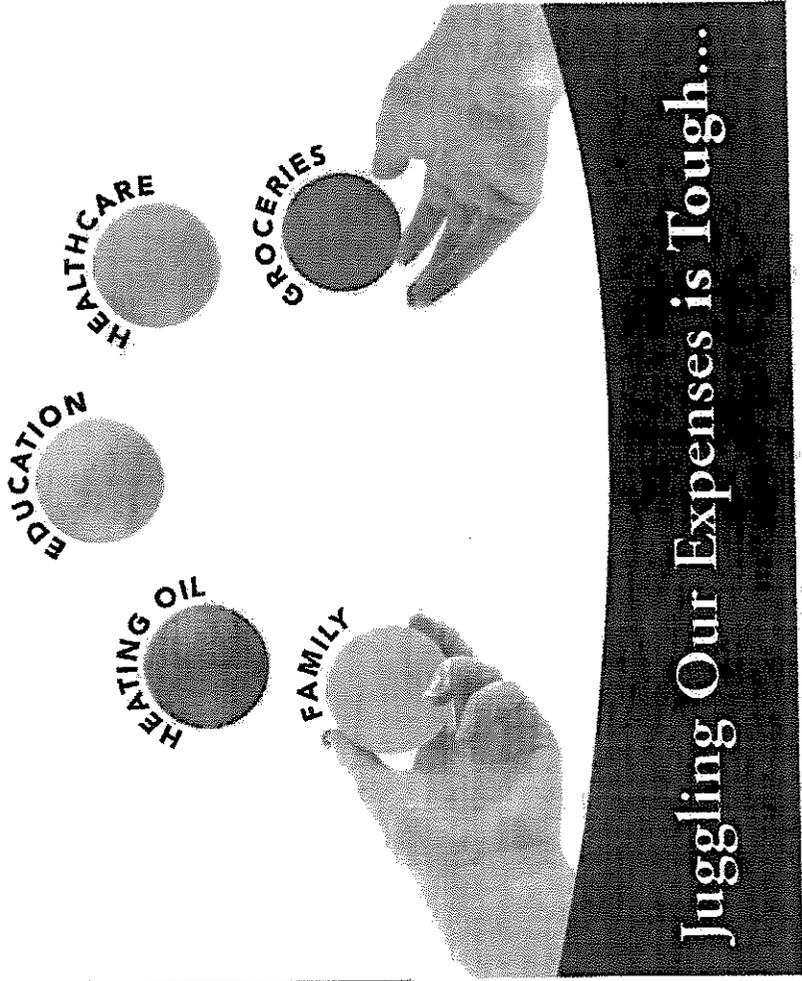
10/21/2008



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 Augusta, Maine 04332

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Juggling Our Expenses is Tough...

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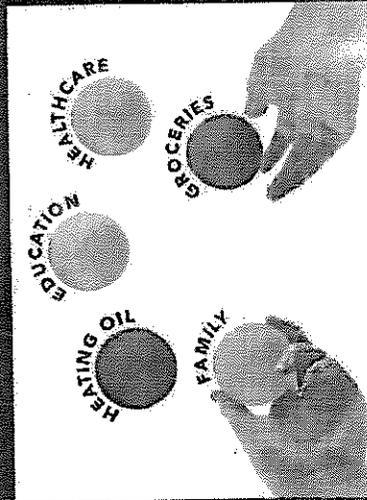
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Juggling Our Expenses  
is Tough...



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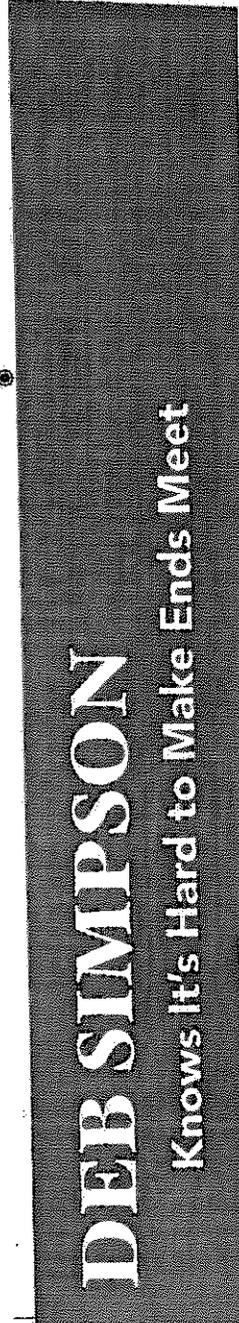
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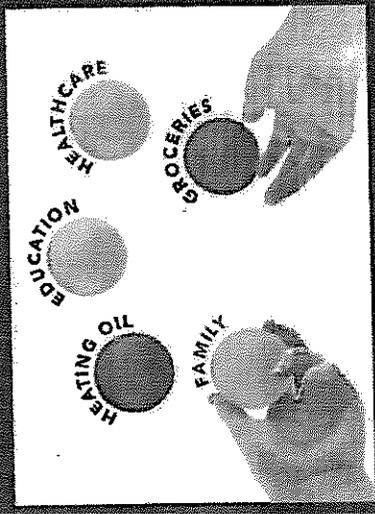
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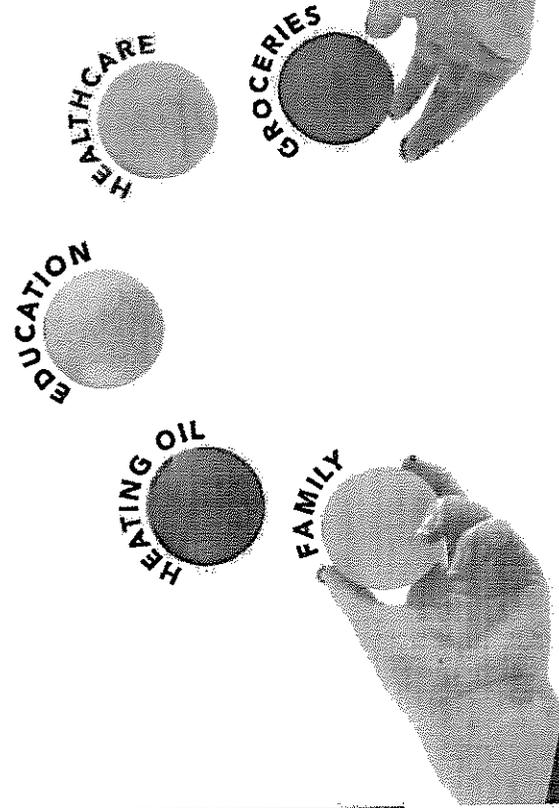


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**Deb Simpson for State Senate.**

**DEB**  
**SIMPSON**  
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 Augusta, Maine 04332

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11/4/2008	
DISTRICT	SENATOR
15	Deb
APPT. SOUP • ENTREE • VEG/POT • DESSERT • BEV	

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DISTRICT 15  
 VOTERS All  
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APPT. SOUP · ENTREE · VEG/POT · DESSERT · BEV

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 Portland, ME.



11/4/2008

SENATOR  
 Deb

DISTRICT  
 15

VOTERS  
 All

APPT. SOUP • ENTREE • VEGIPOT • DESSERT • BEV

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11

12

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Deb Simpson  
for State Senate

# **EXHIBIT I**



**INVOICE**

TO: Maine Democratic Party  
FR: Ourso Beychok Johnson, Inc.  
DT: September 18, 2008  
RE: direct mail

---

6,658 self mailers – Simpson “serving Maine”	\$4,697.00
6,658 self mailers – Simpson “juggler”	\$4,697.00

Total Due

Please send check to: Ourso Beychok Johnson, Inc.  
352 Napoleon Street  
Baton Rouge, La. 70802