

Agenda

Item #7



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

To: Commissioners

From: Jonathan Wayne, Executive Director
Beth Hudson, Candidate Registrar

Date: August 15, 2014

Re: Request for Waiver of Late-Filing Penalty by Re-Election Campaign of Gov. Paul R. LePage

The re-election campaign of Governor Paul R. LePage has requested a waiver of a late-filing penalty concerning a 24-Hour Report. On June 9, 2014, the campaign received two contributions from an individual donor totaling \$3,000, but did not report the contributions within 24 hours. The campaign explains that this was an unintentional omission from a 24-Hour Report filed later that day that did not harm the public, and requests a waiver of the preliminary penalty of \$5,000.

LEGAL REQUIREMENTS

Candidates are required to report within 24 hours any single contribution of \$1,000 or more received during the last 13 days before an election or any expenditure of \$1,000 or more made during that period. (21-A M.R.S.A. § 1017(2)(D)) If the candidate is late in filing the 24-Hour Report, the amount of the penalty is determined by a formula which takes into consideration the amount of the transaction, the number of prior violations within a two-year period, and the number of days the report is late. (21-A M.R.S.A. § 1020-A(4-A))

REQUEST FOR WAIVER BY CAMPAIGN

On June 9, 2014, the LePage campaign received two contributions totaling \$3,000 from Joanne Boeschstein. On the morning of July 21, 2014, David Madore was filing his first campaign finance report in his position as Deputy Treasurer for the LePage campaign. During a telephone call with Candidate Registrar Beth Hudson, Mr. Madore said he had entered a contribution that the campaign had received on June 9th, and was alerted by the e-filing system that a report was due. Ms. Hudson explained that the report was an overdue 24-Hour Report, and suggested he file it immediately. Mr. Madore filed the 24-Hour Report on the afternoon of July 21 at 4:17 p.m. The report was filed 41 days after the deadline of June 10, 2014.

Based on the statutory formula for calculating late-filed report penalties, the preliminary penalty amount was calculated as follows:

Penalty Base Amount	\$3,000.00
Percentage	5%
Daily Accrual Rate	\$150.00 per day
Days Late	41
Your Total Penalty	\$5,000.00 (the maximum under § 1020-A(5-A)(A))

Through a letter from William P. Logan, the LePage campaign requests a waiver of the preliminary penalty.¹ The campaign explains that it made a bona fide effort to file a 24-Hour Report during the evening of June 9th that included contributions received earlier

¹ Mr. Logan formerly served as treasurer of the LePage campaign. The Commission staff has been advised that Mr. Logan will be representing 2014 legislative candidates before the Commission. Bryan Dench is now treasurer for the LePage campaign. Deputy Treasurer David Madore is filing the finance reports for the campaign.

that day, but inadvertently failed to include the two contributions from Ms. Boeschstein. The campaign contends that no harm to the public resulted from the late report. Gov. LePage was uncontested in the primary election, so the delay in the public's receipt of the information resulted in no meaningful impact, according to the campaign. It observes that the late contributions were a small portion of the campaign's total receipts and were not used for any primary election expenses. The campaign argues that the amount of the preliminary penalty (\$5,000) is disproportionate to the harm to the public and to the amounts of the contributions (two donations of \$1,500). The campaign contends that a \$5,000 penalty would be inconsistent with past Commission precedent and would be unnecessarily punitive.

STAFF RECOMMENDATION

Violations of the 24-hour reporting requirements can be serious matters. 24-hour reports play an important role in informing the electorate about how money is changing hands in the critical days just before an election. In this situation, the Commission staff agrees that the harm to the public was diminished to a degree because Gov. LePage did not have an opponent and that the amount of the preliminary penalty (\$5,000) is disproportionate to the public harm. We acknowledge that the deputy treasurer acted quickly when he understood that a report was late.

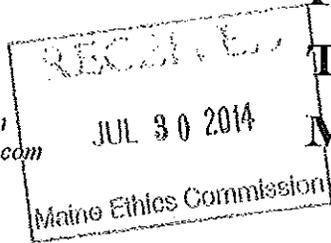
Nevertheless, at the time that the contributions were received on June 9, 2014, the campaign clearly understood the 24-hour reporting requirement. Individuals associated with the campaign had significant campaign experience. This is the third violation of the

24-hour reporting requirement by the LePage campaign within the 13-day period before the June 10, 2014 primary election. (The campaign chose not to seek waivers for the first two 24-hour reporting violations, which resulted in penalties of \$69 and \$141.) Through the statutory formula, the Legislature has directed that second and third late-filing violations by a candidate during an election year should result in higher penalties.

Recognizing that the statutory formula can sometimes result in preliminary penalties that are too high, the staff recommends waiving 90% of the preliminary penalty and assessing a penalty of \$500. As we enter the general election period, the penalty for this matter (and PAC and party committee items later on the agenda) should demonstrate that candidates, PACs, political parties and others need to attend to the 24-hour reporting requirements in Maine Election Law.

Thank you for your consideration of this memo.

William P. Logan
wlogan@itmlaw.com



IRWIN
TARDY
MORRIS

159 Main Street
P.O. Box 476
Newport, Maine 04953

207.368.2828 T
207.368.2822 F

July 28, 2014

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

Re: *Request for Waiver of Preliminary Penalty – Gov. Paul LePage*

Dear Jonathan:

I represent the Campaign to Re-elect Governor Paul LePage. Please accept this letter as a request for a waiver of the preliminary penalty amount assessed in the July 21, 2014 correspondence from Ms. Hudson. The Campaign submits that it did file a 24-hour report for June 9, 2014, but inadvertently omitted two contributions. The Campaign further submits that there was no appreciable public harm arising from that omission and that the penalty is grossly disproportionate to the violation.

1) **Bona Fide Effort to File Report**

The Campaign did make a bona fide effort to file its 24-hour report on time. In fact, on June 9, 2014, the Campaign Treasurer filed two separate 24-hour reports. The first, filed at 11:16 a.m. contained contributions received on June 8, 2014. The second report, filed at 8:08 p.m. on June 9, 2014 disclosed two contributions of \$1,500 received on June 9, 2014 from a single source for the primary and general elections respectively. It was this report that inadvertently failed to include two other contributions of \$1,500 (also from a single source) for the primary and general elections received on June 9, 2014. The Campaign did file a 24-hour report, albeit one that inadvertently omitted two contributions. The Campaign did not discover the error until the preparation of the post-primary report by the newly appointed Deputy Treasurer. Once discovered, the Campaign contacted Commission staff at the earliest opportunity to report the issue and promptly filed the 24-hour report after discovery.

2) **No Public Harm**

There is no appreciable public harm resulting from the omission. First, the contributions constituted a small portion of the total contributions received by the campaign. Second,

Jonathan Wayne
July 28, 2014
Page 2 of 2

the Campaign had no primary opponent so the delay in receiving the information concerning contributions received just before the primary election had no meaningful impact. Furthermore, the non-disclosed funds, being a small portion of the total funds received by the Campaign were not utilized to finance any expenditures, further demonstrating the lack of any real public harm.

Finally, the 24-hour reporting requirement for contributions was key provision of the former "matching funds" statutory structure, in which the reporting requirement permitted ethics staff to swiftly disperse matching funds to MCEA candidates. Since matching funds are no longer available, this also militates in favor of waiving or reducing the preliminary penalty amount.

3) Penalty Disproportionate

The Campaign acknowledges that the two contributions should have been reported on the 24-hour report. However, the Campaign submits that the preliminary penalty amount of \$5,000.00 is grossly disproportionate to the contribution amounts themselves (\$3,000 total) as well as the harm (or lack thereof) resulting from their omission from the 24-hour report. As it currently stands, the penalty itself would be 166% of the original contributions. The Campaign submits that such a draconian penalty is inconsistent with past Commission precedent and is unnecessarily punitive considering the fact that most campaigns, including the LePage campaign, rely upon part-time volunteers to serve as their Treasurers.

In light of the foregoing, the Campaign requests that the Commission waive the preliminary penalty assessed by Commission Staff and reduce the penalty to an amount that reasonably corresponds to the severity of the violation and the harm (or lack thereof) caused by the violation.

If the staff or the Commission requires any additional information, please feel free to contact me at your convenience. I plan to be present at the Commission meeting this matter is scheduled for to respond to any inquiries. Thank you for your attention to this request.

Sincerely,



William P. Logan, Esq.

cc: Campaign to Re-Elect Gov. Paul LePage



Commission on Governmental Ethics and Election Practices
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine
Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

24-HOUR REPORT OF CONTRIBUTIONS AND EXPENDITURES

2014 CAMPAIGN YEAR

COMMITTEE		TREASURER	
HON. PAUL R LEPAGE P.O. BOX 1788 WATERVILLE, ME 04901 PHONE: (207) 287-3531 EMAIL: INFO@LEPAGE2014.COM		BRYAN DENCH 295 FORESIDE ROAD FALMOUTH, ME 04105 PHONE: (207) 621-6720 EMAIL: BD1949@MAINE.RR.COM	
REPORT	DUE DATE	REPORTING PERIOD	
24 Hour Report of Major Contributions and Expenditures	06/10/2014	06/09/2014 - 06/09/2014	

FINANCIAL ACTIVITY SUMMARY

CONTRIBUTIONS AND EXPENDITURES	
1. TOTAL CONTRIBUTIONS / LOANS	\$3,000.00
2. TOTAL EXPENDITURES	\$0.00
3. TOTAL DEBTS	\$0.00

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

REPORT FILED BY: HON. DAVID MADORE
REPORT FILED ON: 07/21/2014
LAST MODIFIED: 07/21/2014
PRINTED: 08/14/2014
COMMITTEE ID: 5556

24-HOUR CONTRIBUTOR INFO

1 = Individual

2 = Candidate/ Spouse/ Domestic Partner

3 = Commercial Source

4 = Nonprofit Organization

5 = Political Action Committee

6 = Political Party Committee

7 = Ballot Question Committee

8 = Other Candidate/ Candidate Committee

9 = Candidate / Candidate Committee

10 = General Treasury Transfer

11 = Transfer from Previous Campaign

12 = Contributors giving \$50 or less

13 = Contributors giving \$100 or less

14 = Contributors giving \$200 or less

15 = MCEA Payment

16 = Financial Institution

DATE RECEIVED	CONTRIBUTOR	OCCUPATION AND EMPLOYER	CONTRIBUTOR/ CONTRIBUTION TYPE	AMOUNT
6/9/2014	JOANNE BOESCHENSTEIN 2 MANOR WAY CAPE ELIZABETH, ME 04107	INFO REQUESTED	1 Monetary (Itemized)	\$1,500.00
6/9/2014	JOANNE BOESCHENSTEIN 2 MANOR WAY CAPE ELIZABETH, ME 04107	INFO REQUESTED	1 Monetary (Itemized)	\$1,500.00
TOTAL CONTRIBUTIONS / LOANS				\$3,000.00



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

July 21, 2014

Governor Paul R. LePage
PO Box 1788
Waterville, Maine 04901

Re: Notice of Violation and Penalty for Late-Filed 24-Hour Report of Contributions or Expenditures, Due June 10, 2014

Dear Governor LePage:

You were required to file the Late-Filed 24-Hour Report of Contributions or Expenditures on June 10, 2014 by 11:59 p.m., but the report was not filed until July 21, 2014. Under the Commission's statutes 21-A M.R.S.A. § 1017(2)(D), the late filing of a report triggers an enforcement process. The Commission staff has made a preliminary finding of violation and determined that the preliminary penalty for filing the report late is \$6,150.00 which exceeds the maximum statutory penalty. Therefore, your penalty is capped at \$5,000.00. (21-A M.R.S.A. §1020-A(5-A)(A)) Please see the next page for the penalty calculation.

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

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

The staff requests that you pay the preliminary penalty within 14 days of the date of your receipt of this notice if you do not intend to request a waiver. Please use the payment statement on the next page when paying by mail. You may also make a payment online at www.maine.gov/ethics by clicking the "Penalty Payment" link. Please contact the Commission staff at (207) 287-4179 or ethics@maine.gov if you have any questions.

Sincerely,

Candidate Registrar

cc: William P. Logan (via e-mail and regular mail)

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

PHONE: (207) 287-4179

FAX: (207) 287-6775

PENALTY CALCULATION

The penalty for filing a campaign finance report late is based on a percentage of the total contributions or expenditures for the reporting period, whichever is greater, multiplied by the number of days late. The percentage is based on your history of past violations: 1% for the first violation, 2% for the second violation, and 3% for the third and each subsequent violation. Violations for late-filed reports accumulate in the two-year period beginning on January 1st of each even-numbered year. A penalty accrues daily beginning on the day following the filing due date. Any penalty of less than \$10 is automatically waived.

HOW YOUR PENALTY WAS CALCULATED

Filer: HON. PAUL R. LEPAGE			
Late-Filed Report: 24-Hour Report for Contributions or Expenditures			
Contributions	\$3,000.00	Penalty Base Amount	\$3,000.00
Expenditures		Percentage	5%
Due Date	June 10, 2014	Daily Accrual Rate	\$150.00
Date Filed	July 21, 2014	Days Late	41
Previous Violations	2	Your Total Penalty	\$5,000.00*

*The penalty calculation for your late-filed 24-Hour Report of Contribution or Expenditures exceeds the maximum statutory penalty. Therefore, your penalty is capped at \$5,000. (1020-A(5-A)(A))

PAYMENT STATEMENT AND PAYMENT OPTIONS

From: Governor Paul R. LePage

Penalty Amount: \$5,000.00

Penalty ID: 721201424

Amount Enclosed: _____

Check/M.O. #: _____

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

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

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

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

§1017. REPORTS BY CANDIDATES

2. Gubernatorial candidates. A treasurer of a candidate for the office of Governor shall file reports with the commission as follows. Once the first required report has been filed, each subsequent report must cover the period from the end date of the prior report filed.

A. In any calendar year, other than a gubernatorial election year, in which the candidate or the candidate's political committee has received contributions in excess of \$1,000 or made or authorized expenditures in excess of \$1,000, reports must be filed no later than 11:59 p.m. on July 15th of that year and January 15th of the following calendar year. These reports must include all contributions made to and all expenditures made or authorized by or on behalf of the candidate or the candidate's treasurer as of the end of the preceding month, except those covered by a previous report. [2007, c. 443, Pt. A, §16 (AMD).]

B. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which an election is held and must be complete as of the 49th day before that date. If a report was not filed under paragraph A, the report required under this paragraph must cover all contributions and expenditures through the 49th day before the election. [2007, c. 443, Pt. A, §16 (AMD).]

C. Reports must be filed no later than 11:59 p.m. on the 11th day before the date on which an election is held and must be complete as of the 14th day before that date. [2007, c. 443, Pt. A, §16 (AMD).]

D. Any single contribution of \$1,000 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 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses. [2013, c. 334, §10 (AMD).]

E. Reports must be filed no later than 11:59 p.m. on the 42nd day after the date on which an election is held and must be complete for the filing period as of the 35th day after that date. [2007, c. 443, Pt. A, §16 (AMD).]

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$100 shown in the reports described in paragraph E must be reported as provided in this paragraph. The treasurer of a candidate or political committee with a surplus or deficit in excess of \$100 shall file reports semiannually with the commission within 15 days following the end of the 2nd and 4th quarters of the State's fiscal year, complete as of the last day of the quarter, until the surplus is disposed of or

the deficit is liquidated. The first report under this paragraph is not required until the 15th day of the period beginning at least 90 days from the date of the election. The reports will be considered timely if filed electronically or in person with the commission on that date or postmarked on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section. [2007, c. 443, Pt. A, §16 (AMD).]

G. Unless otherwise specified in this subsection, reports must be complete back to the end date of the previous report filing period. The reports described in paragraph E, if filed with respect to a primary election, are considered previous reports in relation to reports concerning a general election. [2007, c. 443, Pt. A, §16 (AMD).]

H. Reports with respect to a candidate who seeks nomination by petition for the office of Governor must be filed on the same dates that reports must be filed with respect to a candidate who seeks that nomination by primary election. [1991, c. 839, §14 (AMD); 1991, c. 839, §34 (AFF).]

[2013, c. 334, §10 (AMD) .]

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) .]