

# Agenda

## Item #6



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

**To:** Commission Members

**From:** Vincent W. Dinan, Staff Auditor *W*

**Date:** September 13, 2007

**Subject:** September, 2007 Candidate Audit Report Submittals

Materials submitted with the September, 2007 Commission packet include the four candidate audit reports listed below.

<b>Candidate Name</b>	<b>District</b>	<b>Disposition</b>
Randall A. Greenwood	HD 80	No Exceptions
Randall A. Greenwood	SD 17	No Exceptions
Clayton Haskell	HD 110	No Exceptions
Rep. Jonathan B. McKane	HD 51	See Agenda

Audit Findings of "No Exceptions" are submitted for information and file, and no additional action is required by the Commission.



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135 STATE HOUSE STATION  
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04333-0135

September 11, 2007

**Audit Report No. 2006-HR044**

**Candidate: Representative Jonathan B. McKane  
House District 51**

**Background**

Representative Jonathan B. McKane was re-elected to the Maine House of Representatives, District 51, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Rep. McKane as a Maine Clean Election Act (MCEA) candidate on March 28, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

**Audit Scope**

Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods:

- Seed Money
- Six Day Pre-Primary
- 42 Day Post-Primary
- Six Day Pre-General
- 42 Day Post-General

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

**Audit Findings and Recommendations**

**Finding – incomplete expenditure documentation:** Rep. McKane informed us that he was unable to locate two vendor invoices: Bob's Mail Boxes, 11/6/2006, in the amount of \$65.00, and USPS, 11/15/2006, in the amount of \$78.00. Both expenditures were supported by cancelled checks from the campaign bank account. All other expenditures examined by the auditor were well documented.

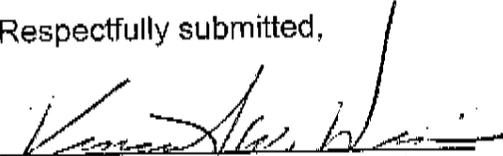
*Criteria:* 21-A M.R.S.A. §1016, "Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes...." 21-A M.R.S.A. §1125(12-A)(C), "The treasurer shall obtain and keep...a record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee." ...."

*Recommendation:* The Commission staff recommends that the Commission make a finding of technical violation of the cited provisions of the MCEA, but given the generally excellent condition of the candidate's campaign finance records, assess no penalty.

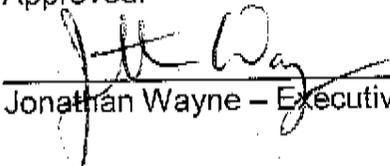
Candidate's Comments

Rep. McKane did not comment on the report.

Respectfully submitted,

  
Vincent W. Dinan - Staff Auditor

Approved:

  
Jonathan Wayne - Executive Director

## Title 21-A, §1125, Terms of participation

**12-A. Required records.** The treasurer shall obtain and keep:

A. Bank or other account statements for the campaign account covering the duration of the campaign; [2005, c. 542, §5 (new).]

 B. A vendor invoice stating the particular goods or services purchased for every expenditure of \$50 or more; and [2005, c. 542, §5 (new).]

C. A record proving that a vendor received payment for every expenditure of \$50 or more in the form of a cancelled check, receipt from the vendor or bank or credit card statement identifying the vendor as the payee. [2005, c. 542, §5 (new).]

The treasurer shall preserve the records for 2 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request. [2005, c. 542, §5 (new).]

**13. Distributions not to exceed amount in fund.** The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsections 8 or 9, the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than \$500 per donor per election for gubernatorial candidates and \$250 per donor per election for State Senate and State House candidates, up to the applicable amounts set forth in subsections 8 and 9 according to rules adopted by the commission. [IB 1995, c. 1, §17 (new).]

**14. Appeals.** A candidate who has been denied certification as a Maine Clean Election Act candidate, the opponent of a candidate who has been granted certification as a Maine Clean Election Act candidate or other interested persons may challenge a certification decision by the commission as follows.

A. A challenger may appeal to the full commission within 7 days of the certification decision. The appeal must be in writing and must set forth the reasons for the appeal. [2005, c. 301, §32 (amd).]

B. Within 5 days after an appeal is properly made and after notice is given to the challenger and any opponent, the commission shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the commission decision was improper. The commission must rule on the appeal within 3 days after the completion of the hearing. [IB 1995, c. 1, §17 (new).]

C. A challenger may appeal the decision of the commission in paragraph B by commencing an action in Superior Court according to the procedure set forth in section 356, subsection 2, paragraphs D and E. [IB 1995, c. 1, §17 (new).]

D. A candidate whose certification by the commission as a Maine Clean Election Act candidate is revoked on appeal must return to the commission any unspent revenues distributed from the fund. If the commission or court find that an appeal was made frivolously or to cause delay or hardship, the commission or court may require the moving party to pay costs of the commission, court and opposing parties, if any. [IB 1995, c. 1, §17 (new).]

[2005, c. 301, §32 (amd).]

IB 1995, Ch. 1, §17 (NEW).  
 PL 2001, Ch. 465, §4-6 (AMD).  
 PL 2003, Ch. 270, §1,2 (AMD).  
 PL 2003, Ch. 448, §5 (AMD).  
 PL 2003, Ch. 453, §1,2 (AMD).  
 PL 2003, Ch. 688, §A21,22 (AMD).  
 PL 2005, Ch. 301, §29-32 (AMD).  
 PL 2005, Ch. 542, §3-5 (AMD).



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Audit Report No. 2006-HR039

**Candidate: Randall A. Greenwood  
House District 80**

Background

Randall A. Greenwood was a candidate for the Maine House of Representatives, District 80, in the 2006 Republican primary election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Greenwood as a Maine Clean Election Act (MCEA) candidate on April 21, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

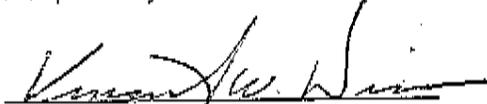
Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods: Seed Money, Six Day Pre-Primary, and 42 Day Post-Primary.

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

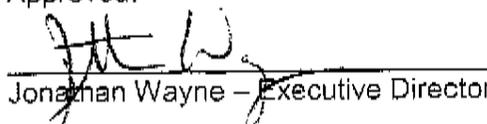
Audit Findings and Recommendations

**No exceptions were noted.**

Respectfully submitted to the Members of the Commission for information and file.

  
Vincent W. Dinan - Staff Auditor

Approved:

  
Jonathan Wayne - Executive Director



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**Audit Report No. 2006-SEN014**

**Candidate: Randall A. Greenwood  
Senate District 17**

Background

Randall A. Greenwood was a replacement candidate for the Maine State Senate, District 17, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Greenwood as a Maine Clean Election Act (MCEA) candidate on August 28, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

Audit Scope

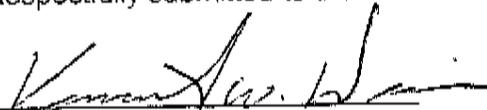
Examination of selected candidate contribution and expenditure transactions occurring during the Six Day Pre-General and the 42 Day Post-General campaign reporting periods.

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

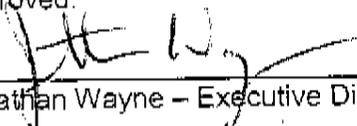
Audit Findings and Recommendations

**No exceptions were noted.**

Respectfully submitted to the Members of the Commission for information and file.

  
Vincent W. Dinah - Staff Auditor

Approved:

  
Jonathan Wayne - Executive Director



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**Audit Report No. 2006-HR043**

**Candidate: Clayton Haskell  
House District 110**

**Background**

Clayton Haskell was a candidate for the Maine House of Representatives, District 110, in the 2006 general election. The Commission on Governmental Ethics and Election Practices (Commission) certified Mr. Haskell as a Maine Clean Election Act (MCEA) candidate on April 19, 2006. MCEA candidates are required under the Act to submit reports of their receipts, expenditures, outstanding campaign debt, and equipment purchases and dispositions for specified periods during the election cycle.

**Audit Scope**

Examination of selected candidate contribution and expenditure transactions occurring during the following campaign reporting periods:

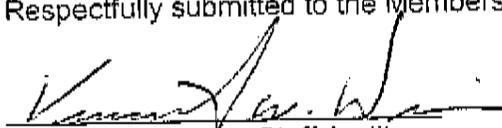
- Seed Money
- Six Day Pre-Primary
- 42 Day Post-Primary
- Six Day Pre-General
- 42 Day Post-General

Transactions subject to review were those recorded in the candidate's accounting records and reported to the Commission. The audit's purpose was to determine if the identified receipts and payments (1) were properly approved by the candidate or his authorized representative; (2) were adequately documented as evidenced by original vendor invoices and cancelled checks or other acceptable disbursement documentation; and (3) complied in all material respects with the requirements of the Maine Clean Election Act and the Commission's rules.

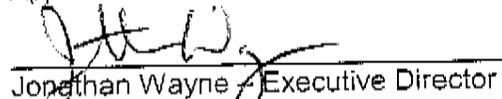
**Audit Findings and Recommendations**

**No exceptions were noted.**

Respectfully submitted to the Members of the Commission for information and file.

  
Vincent W. Dinah - Staff Auditor

Approved:

  
Jonathan Wayne - Executive Director

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