

**MAINE COMMISSION ON GOVERNMENTAL ETHICS AND
ELECTION PRACTICES**

**Special Report on 2020 Maine Clean Election Act Campaigns
for the House of Representatives and Senate**

October 8, 2021

MAINE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Special Report
2020 Maine Clean Election Act Campaigns

Table of Contents

	<u>Page</u>
Independent Accountant’s Report on Applying Agreed-upon Procedures	1-4
MCEA 2020 Campaigns Summary of Results	5-6



INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Commissioners

Maine Commission on Governmental Ethics and Election Practices:

We have performed the procedures noted below, which were agreed to by the Maine Commission on Governmental Ethics and Election Practices (Maine Ethics Commission), solely to assist the Commissioners and its staff in ensuring that the 2020 Maine Clean Election Act (MCEA) candidates for the House of Representatives and Senate complied with the reporting requirements of the MCEA and the Candidate's Guide to the MCEA published by the Commission. The period covered by our procedures is for the entire 2020 election cycle. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below, either for the purpose for which this report has been requested or for any other purpose.

Candidates were chosen from a list of certified State Senate and House of Representative candidates for the November 3, 2020 general election that participated in the MCEA program. From the list of candidates, we eliminated candidates that were audited in 2018 and 2016 and that had no substantial violations. From the remaining candidates, we then selected a sample utilizing a statistical random number generating formula to select 39 of the aforementioned candidates (29 from the House of Representatives and 10 from the Senate). In addition, we added one Senate candidate that was selected by the Commission for special purpose (cause). The special purpose review was undertaken at the request of the Commission staff based on concerns regarding additional irregularities in the candidate's campaign finance reporting.

All of the clean election candidates were included in the review process.

Once we obtained the selected documentation from the candidates, we performed the procedures noted below in determining the compliance of the candidates:

- Reviewed all campaign bank statements for the 2020 election cycle and ensured that the campaign finance reports submitted during the 2020 election cycle included all transactions and that all transactions were reported correctly (e.g., correct payment amount, obligation date).
- Reviewed all selected disbursements and ensured there was proof of payment.

- Judgmentally selected disbursements from those reported in the campaign finance reports, which in the aggregate represented at least fifty percent of the candidate's disbursements. Reviewed the selected disbursement transactions and ensured that they were substantiated by supporting, third party documentation and were for allowable expenditures under the MCEA. In addition, ensured that mileage logs supported selected reimbursements for mileage and that the total mileage and dollar amount on the mileage logs recalculated based on the individual trips and the applicable reimbursement rate.
- Reviewed purchases reported on the campaign finance reports to identify any equipment purchased with MCEA funds and ensure that the equipment was sold at fair market value and that sale proceeds were returned to the Maine Ethics Commission in a timely manner.
- Reviewed all of the campaign bank statements from the 2020 election cycle and identified all deposits that were not for MCEA funds. Ensured that the amounts were reported as seed money contributions. Reviewed supporting documentation and ensured that seed money contributions were from individuals and did not exceed the threshold of \$100 per donor. In addition, ensured that no additional contributions were received after the candidate's certification.
- Reviewed supporting documentation to determine that the balance of MCEA funds not spent were returned to the Maine Ethics Commission and were returned promptly (within forty-two days of the election).

Of the procedures performed above, there were 20 candidates who had just exceptions and four that had findings (significant exceptions to the guidance or violations of the MCEA), three of which also had exceptions.

The table below summarizes the number of the exceptions and findings and the nature of such:

Summary	House (29)	Senate (10)	Special Purpose – Senate (1)	Total Exceptions /Findings
Candidates with no exceptions/ findings	10	5	1	16
Findings:				
Candidate used MCEA funds to reimburse mileage from the seed money reporting period	3	-	-	3
Candidate significantly over and under reported certain expenditures	1	-	-	1
Exceptions:				
Incorrect vendor name on report	2	1	-	3
Transaction on incorrect campaign finance report	4	-	-	4
Transaction lacked supporting documentation	2	-	-	2
Expenditures over/under reported	2	-	-	2
Unable to verify expenditures were paid with MCEA funds	1	1	-	2
Obligation not reported as unpaid debt on campaign finance report	13	7	-	20
MCEA funds used to purchase money orders for qualifying contributions were not re-deposited in the campaign bank account (small amounts)	1	-	-	1
Seed money contributions lacked supporting documentation	1	-	-	1
Seed money contributions reported incorrectly	-	1	-	1
Unspent MCEA funds returned more than 42 days after the election	1	-	-	1

As a result of the procedures performed, several trends came to light during the review of the 2020 MCEA campaigns. In particular, we noted the following:

1. Some of the candidates were under the impression that obligations of MCEA funds were not required to be reported on the campaign finance reports until either a payment was made or services were rendered by the vendor. However, under the Commission’s rules (Chapter 1, Section 7(C)(B)), *placing an order for goods or services with a vendor that obligates a candidate to pay the vendor at a future time is an action that must be reported as a debt.*
2. Three candidates were not aware that MCEA funds may not be used to reimburse the candidates for mileage or other expenditures incurred prior to certification as a clean election candidate. According to M.R.S.A. Title 21-A, *candidates may not use MCEA funds to pay for goods or services received prior to qualifying for MCEA funding (certification).*

3. Some candidates reported expenditure dates that were not based on when the transactions originated, which should be the date of actual payment, or the date of the invoice/obligation, whichever came first. Therefore, the transactions were reported on the incorrect campaign finance reports

In response to the aforementioned trends, we therefore make the following recommendations:

1. Reporting of obligations – The Commission should consider revising its requirements for reporting unpaid obligations, either by extending the amount of time allowed to report such transactions, such as requiring reporting within a month of payment, or revising the types of expenditures that are required to be reported as unpaid obligation (e.g., transactions over a certain threshold).
2. Reimbursements of mileage – The Commission should consider revising the guidance for candidates to explicitly explain that mileage from the seed money reporting period can only be reimbursed with seed money contributions.

We were not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion, on the specific elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Commissioners and staff of the Maine Ethics Commission and is not intended to be and should not be used by anyone other than these specified parties.



October 8, 2021
South Portland, Maine

**MCEA 2020 CAMPAIGNS
SUMMARY OF RESULTS**

				Findings		Exceptions					
Candidate's Name		Type	District	No Exceptions/ Findings	MCEA Funds Reimbursed Mileage from Seed Money Period	Expenditures Significantly Under/Over Reported	Incorrect Vendor Name on Report	Transaction on Incorrect Campaign Report	Transaction Lacked Supporting Documentation	Expenditures Under/Over Reported	Unable to Verify Expenditure Paid With MCEA Funds
1	Bashinsky	Toni	H	54			X				
2	Bell	Arthur	H	47	X						
3	Bellows	Shenna	S	14	X						
4	Berryment	Christopher	H	116	X						
5	Bourgelais	Peter	H	112							
6	Branch	Katherine	S	19	X						
7	Chappell	Marc	H	15				X			
8	Collins	Jan	S	17	X						
9	Contreni	Margarita	H	119	X						
10	Daigle	Robert	S	32							
11	Davis	Stephen	H	51		X					
12	Delli Paoli	Nicolas	H	130	X						
13	Doore	Donna	H	85	X						
14	Elliott	William	H	97		X			X		X
15	Emery	Deborah	H	76	X						
16	Gere	Traci	H	9							
17	Godin	Patricia	H	139							
18	Grohoski	Nicole	H	132	X						
19	Hamilton	Christopher	H	88		X			X		
20	Hasenfus	Tavis	H	81							
21	Landry Jr.	Scott	H	113						X	
22	Langley	Brian	S	7	X						
23	Lauzon	Daniel	H	20							
24	Lyman	Sheila	H	74			X				
25	Magnan	Veronica	H	131	X						
26	Maxmin	Chloe	S	13							
27	Moore	Marianne	S	6							
28	Morse	Kenneth	H	71	X						
29	Nadeau	Cathy	H	78	X						
30	Pietroski	Joseph	H	81							
31	Rafferty	Joseph	S	34	X						
32	Riley	Christina	H	74				X			
33	Rivard	Sara	S	30			X				X
34	Roberts	Tiffany	H	6		X				X	
35	Schaefer	Brian	S	1	X						
36	Seavey	Stedman	H	9							
37	Skolfield	Thomas	H	112							
38	Stewart	Trey	S	2							
39	Thompson	Timothy	H	30				X			
40	Thorne	James	H	103				X			

**MCEA 2020 CAMPAIGNS
SUMMARY OF RESULTS**

Exceptions

	Candidate's Name	Type	Obligations	MCEA Funds	Seed	Seed	Unspent
			Not Reported As Unpaid Debt	Used to Purchase Qualifying Contributions Were Not Re-Deposited	Money Contributions Lacked Documentation	Money Contributions Reported Incorrectly	Funds Returned More Than 42 Days After Election
1	Bashinsky	Toni	H				
2	Bell	Arthur	H				
3	Bellows	Shenna	S				
4	Berryment	Christopher	H				
5	Bourgelais	Peter	H	X X			
6	Branch	Katherine	S				
7	Chappell	Marc	H				
8	Collins	Jan	S				
9	Contreni	Margarita	H				
10	Daigle	Robert	S	X			
11	Davis	Stephen	H				
12	Delli Paoli	Nicolas	H				
13	Doore	Donna	H				
14	Elliott	William	H	X			
15	Emery	Deborah	H				
16	Gere	Traci	H	X X			
17	Godin	Patricia	H	X			
18	Grohoski	Nicole	H				
19	Hamilton	Christopher	H				
20	Hasenfus	Tavis	H	X			
21	Landry Jr.	Scott	H	X			
22	Langley	Brian	S				
23	Lauzon	Daniel	H	X			
24	Lyman	Sheila	H				
25	Magnan	Veronica	H				
26	Maxmin	Chloe	S	X			
27	Moore	Marianne	S	X			
28	Morse	Kenneth	H				
29	Nadeau	Cathy	H				
30	Pietroski	Joseph	H	X	X		
31	Rafferty	Joseph	S				
32	Riley	Christina	H	X			
33	Rivard	Sara	S	X X		X	
34	Roberts	Tiffany	H	X			X
35	Schaefer	Brian	S				
36	Seavey	Stedman	H		X		
37	Skolfield	Thomas	H	X			
38	Stewart	Trey	S	X X			
39	Thompson	Timothy	H				
40	Thorne	James	H				