



130th MAINE LEGISLATURE

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Legislative Document

No. 413

H.P. 297

House of Representatives, February 10, 2021

**An Act To Apply the Same Auditing Standards to All Candidates
and Political Action Committees**

Received by the Clerk of the House on February 8, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RISEMAN of Harrison.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 21-A MRSA §1003, sub-§1**, as amended by PL 2013, c. 162, §1, is further
3 amended to read:

4 **1. Investigations.** The commission ~~may~~ shall undertake the audits and investigations
5 provided for under this section to determine whether a person has violated this chapter,
6 chapter 14 or the rules of the commission. For this purpose, the commission may subpoena
7 witnesses and records whether located within or without the State and take evidence under
8 oath. A person or entity that fails to obey the lawful subpoena of the commission or to
9 testify before it under oath must be punished by the Superior Court for contempt upon
10 application by the Attorney General on behalf of the commission. The Attorney General
11 may apply on behalf of the commission to the Superior Court or to a court of another state
12 to enforce compliance with a subpoena issued to a nonresident person. Service of any
13 subpoena issued by the commission may be accomplished by:

14 A. Delivering a duly executed copy of the notice to the person to be served or to a
15 partner or to any officer or agent authorized by appointment or by law to receive service
16 of process on behalf of that person;

17 B. Delivering a duly executed copy of the notice to the principal place of business in
18 this State of the person to be served; or

19 C. Mailing by registered or certified mail a duly executed copy of the notice, addressed
20 to the person to be served, to the person's principal place of business.

21 **Sec. 2. 21-A MRSA §1003, sub-§1-A** is enacted to read:

22 **1-A. Random audits and investigations.** The commission shall undertake random
23 audits and investigations to determine whether candidates for state office and political
24 action committees required to file reports with the commission under section 1059 have
25 violated this chapter, chapter 14 or the rules of the commission. The commission shall
26 adopt rules to implement this subsection. Rules adopted pursuant to this subsection are
27 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. At a minimum,
28 the rules must:

29 A. Require the commission to audit and investigate an equal percentage of primary
30 candidates for all state offices who are certified as Maine Clean Election Act candidates
31 under section 1125, subsection 5 and primary candidates for all state offices who are
32 not certified as Maine Clean Election Act candidates;

33 B. Require the commission to audit and investigate an equal percentage of general
34 election candidates for all state offices who are certified as Maine Clean Election Act
35 candidates under section 1125, subsection 5 and general election candidates for all state
36 offices who are not certified as Maine Clean Election Act candidates;

37 C. Require the commission to audit and investigate a percentage of all political action
38 committees required to file reports with the commission under section 1059 equal to
39 the percentage of candidates audited and investigated under paragraph B;

40 D. Require candidates and political action committees selected for an audit and
41 investigation to disclose records of all contributions and expenditures to the
42 commission or its auditor; and

1 E. Establish standard auditing requirements that must be applied to each candidate or
2 political action committee selected for an audit and investigation.

3 **Sec. 3. 21-A MRSA §1125, sub-§12-B**, as enacted by PL 2007, c. 443, Pt. B, §6,
4 is repealed.

5 **SUMMARY**

6 This bill directs the Commission on Governmental Ethics and Election Practices to
7 conduct random audits of political action committees that are required to file campaign
8 finance reports with the commission and candidates for state office, including candidates
9 for Governor, State Senator, State Representative and presidential elector. The bill directs
10 the commission to adopt rules to implement this requirement. The rules must direct the
11 commission to audit an equal percentage of candidates for state office who are certified as
12 Maine Clean Election Act candidates, candidates for state office who are not certified as
13 Maine Clean Election Act candidates and political action committees. The rules must also
14 establish standard auditing requirements to be applied to each candidate and political action
15 committee.