

MAINE STATE LEGISLATURE

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New Draft of: H. P. 687, L. D. 869

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1850

H. P. 1649

House of Representatives, June 6, 1977

Reported by Mr. Boudreau from the Committee on Election Laws and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections.

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

Sec. 1. 1 MRSA § 1008, sub-§ 2, as enacted by PL 1975, c. 621, § 1, is amended to read:

2. **Election practices.** To administer and investigate any violations of the requirements for campaign reports and campaign financing and to investigate and ~~determine~~ make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of the State of Maine and the Constitution of the United States, of any contested count, state or federal election within this State.

Sec. 2. 21 MRSA § 1422-A is enacted to read:

§ 1422-A. Investigations

1. **Investigations.** The commission may investigate and make findings of the fact and opinion on the final determination of the results, within the limits of the Constitution of the State of Maine and the Constitution of the United States, of any contested county, state or federal election within this State. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. A person who fails to obey the lawful subpoena of the commission or to testify before it under oath shall be punished by the Superior Court for contempt on application of the Attorney General on behalf of the commission.

2. Investigation requested. Not more than 5 days after completion of the recount proceedings any candidate in a contested election may make written application to the commission requesting an investigation and stating the reasons for the request. The commission shall review the application and shall make the investigation if the reasons stated show sufficient ground for believing that a violation of law affecting the outcome of the election has occurred.

3. State Auditor; Secretary of State. The State Auditor and the Secretary of State shall assist the commission in making investigations and in other phases of the commission's duties under this chapter and shall have all necessary powers to carry out such responsibilities.

4. Attorney General. The Attorney General shall be counsel for the commission and may examine any witnesses before the commission.

Sec. 3. 21 MRSA § 1423, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 621, § 10, is amended to read:

On receipt of a written appeal or application requesting an investigation, the commission shall notify the opposing candidate, and shall set a time, date and place for a hearing on the matter.

STATEMENT OF FACT

The purpose of the original bill was to clarify the investigatory authority of the Commission on Governmental Ethics and Election Practices in regard to contested elections. The new draft clarifies the wording of the bill.