

§1003. Investigations by commission

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

- A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person; [PL 2013, c. 162, §1 (NEW).]
- B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or [PL 2013, c. 162, §1 (NEW).]
- C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business. [PL 2013, c. 162, §1 (NEW).]
[PL 2013, c. 162, §1 (AMD).]

2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.
[PL 2011, c. 389, §4 (AMD).]

2-A. Confidentiality.
[PL 2001, c. 535, §1 (RP).]

3. State Auditor. The State Auditor shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and has all necessary powers to carry out these responsibilities.
[PL 1999, c. 426, §31 (AMD).]

3-A. Confidential records. Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A. Financial information not normally available to the public; [PL 2007, c. 571, §6 (NEW).]
- B. Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party; [PL 2013, c. 470, §1 (AMD).]
- C. Information or records subject to a privilege against discovery or use as evidence; and [PL 2007, c. 571, §6 (NEW).]
- D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination. [PL 2013, c. 470, §1 (AMD).]

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is relevant to a memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.
[PL 2023, c. 324, §6 (AMD).]

4. Attorney General. Upon the request of the commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the commission or otherwise assist the commission in the performance of its duties. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.
[PL 2001, c. 470, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1989, c. 504, §§1,31 (AMD). PL 1991, c. 839, §1 (AMD). PL 1991, c. 839, §34 (AFF). PL 1999, c. 426, §31 (AMD). PL 2001, c. 237, §1 (AMD). PL 2001, c. 470, §5 (AMD). PL 2001, c. 535, §1 (AMD). PL 2005, c. 301, §5 (AMD). PL 2007, c. 571, §6 (AMD). PL 2009, c. 524, §4 (AMD). PL 2011, c. 389, §§3, 4 (AMD). PL 2013, c. 162, §1 (AMD). PL 2013, c. 470, §1 (AMD). PL 2019, c. 323, §3 (AMD). PL 2023, c. 324, §6 (AMD).

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