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Election Practices and Regulations
21 M.R.S.A. § 1394

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April 5, 1978

To: Commission on Governmental Ethics and Election Practices
From: Donald G. Alexander
Re: Novelty Items

Subsequent to our opinion of February 17, 1978, on the issue of required use of acknowledgement statements in accordance with 21 M.R.S.A. § 1394, this office has conducted further research on the question of applicability of the acknowledgement statement requirement to buttons and other small novelty items used for political campaign purposes. As you are aware, 21 M.R.S.A. § 1394 specifies that acknowledgement statements must appear on most printed political documents and on bumper stickers. However, the law is silent regarding buttons and other small novelty items. We initially construed § 1394 to require that the acknowledgement statement appear on buttons. However, further research has led us to conclude that the law is uncertain on this matter. Because of the uncertainty, we believe it would be best if this question were addressed through the rule-making authority of the Commission on Governmental Ethics and Election Practices. Such rule-making authority is provided by 1 M.R.S.A. § 1003-1 and the general assignment to the Commission to administer and investigate campaign reporting and campaign financing activities pursuant to 1 M.R.S.A. § 1008-2.

As indicated above, Maine law does not specify whether buttons are to be covered by the acknowledgement statement requirement. It does, however, specify that bumper stickers are to be covered. To this extent, the Maine law appears broader than the comparable federal requirements. The Federal Election Commission, by regulation at 11 C.F.R. § 110.11(a)(1), exempts both bumper stickers and buttons, and other small novelty items from the authorization statement (there called "disclaimer") requirements. It can be reasonably assumed that

the Legislature left some discretion in dealing with the wide range of items likely to be developed in the course of political campaigns and that the Commission on Governmental Ethics and Election Practices has authority to publish regulations in this area to specify, to a greater extent, those buttons and other novelty items which may be subject to the acknowledgement statement requirement of 21 M.R.S.A. § 1394.

I hope this information is helpful in clarification of the prior opinion on this issue.

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