

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1458

H. P. 1159

House of Representatives, March 25, 1975

On Motion of Mr. Gauthier of Sanford, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Silverman of Calais.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Prohibit False, Fraudulent or Deceptive Political Opinion Polls.

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

17 MRSA § 1636 is enacted to read:

§ 1636. Deceptive election practices

1. A person is guilty of deceptive election practices, if with the intention to influence voters in their choice of candidates, he makes or causes to be made public through a television or radio broadcasting station, or a newspaper, magazine or other form of printed material any public opinion poll or sample which purports to predict the results of an election, and which:

A. Contains any assertion, representation or statement which is untrue and is designed or intended to be misleading or deceptive; or

B. Is intended or designed to mislead or deceive the voters about the State of public opinion at the time the poll was taken.

2. The broadcasting, publication or printing of such a poll within 60 days preceding any election shall be prima facie evidence of intent to influence voters in their choice of candidates.

3. It is a defense to prosecution under subsection 1 that a television or radio broadcasting station or a publisher or printer of a newspaper, magazine or other form of printed material, which broadcasts, publishes or prints a false, misleading or deceptive public opinion poll did so without knowledge of the false assertion, representation or statement or of the intent or design of such poll.

4. As used in this section, "political opinion poll or sample" means the report or statement of the results of a canvass or questioning of a selected or random group of people to collect information as to how they intend to cast their votes in an election or as to their preferences either for candidates or for election results.

5. Deceptive election practices may be enjoined and shall be punished by a fine of not more than \$500 or imprisonment for not more than 30 days.

#### STATEMENT OF FACT

The purpose of this Act is to prohibit the publication, broadcasting or printing of false, fraudulent or misleading political opinion polls that are intended to improperly influence voters in their choice of candidates.