

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2158

H.P. 1558

House of Representatives, January 9, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Legal Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MAYO of Thomaston.

Cosponsored by President PRAY of Penobscot, Senator CLARK of Cumberland and Representative GWADOSKY of Fairfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Discourage Negative Campaign Practices.

[Faint, mostly illegible text of the act follows]



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

1 MRSA §1009 is enacted to read:

§1009. Negative campaign practices

1. Definition. "Negative campaign practice" means intentional participation by an individual or association in the preparation, dissemination or broadcast of paid political advertising or campaign material that:

A. Concerns the personal or political character or actions of a candidate;

B. The person or association knows or has reason to believe is false; and

C. Is intended to promote the defeat of a candidate for nomination or election to a public office.

2. Investigation; advisory opinion. The commission may initiate or conduct, at the request of an interested person or association, an investigation and hold a hearing regarding an alleged negative campaign practice. The commission shall issue a written advisory opinion indicating findings and recommendations within 30 days of the date an investigation is requested. When the commission conducts an investigation and holds a hearing as provided in this section, the commission shall provide a copy of its advisory opinion to the Secretary of State. When the commission conducts an investigation and holds a hearing on request, the commission shall provide a copy of its advisory opinion to the person or association who requested the investigation and to the Secretary of State.

STATEMENT OF FACT

This bill, derived from Minnesota Statutes, chapter 211B.06, authorizes the Commission on Governmental Ethics and Election Practices to conduct an investigation and hearing regarding an allegation of a "negative campaign practice" and issue its findings and recommendations in an advisory opinion. The bill defines "negative campaign practice" as preparation, dissemination or broadcast by an individual or association of political advertising or campaign material regarding a candidate's personal or political actions or character when the person or association knows or has reason to believe the ad or material is false and when the ad or material is intended to promote the candidate's defeat. The bill requires the commission, when it acts on its own initiative, to provide a copy of the advisory opinion to the Secretary of State. When the

2 commission conducts an investigation on request, the commission
3 shall provide a copy of its advisory opinion to the person or
4 association requesting the investigation within 30 days of the
5 request.

6 The bill does not empower the commission to impose any
7 sanction against a person or association it determines has
8 committed a negative campaign practice. The purpose of the bill
9 is to provide a mechanism to identify and discourage the use of
10 negative campaign practices which, by distorting the truth,
11 unfairly influence the voters and skew the election process.
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