

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 39

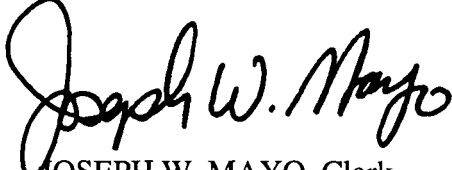
H.P. 45

House of Representatives, January 12, 1995

**An Act to Require an Endorser's Authorization for a Candidate To Use  
an Endorsement.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative LIBBY of Buxton.

Cosponsored by Representatives: JOYNER of Hollis, ROBICHAUD of Caribou.

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

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Sec. 1. 21-A MRSA §1014-A is enacted to read:

**§1014-A. Endorsements of political candidates**

**1. Definition.** For purposes of this section, "endorsement" means an expression of support for the election of a clearly identified candidate by methods including but not limited to the following: broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising or through computer networks, flyers, handbills, bumper stickers and other nonperiodical publications.

**2. Authorization.** A candidate may not use an endorsement unless the endorser has expressly authorized its use. The communication must clearly and conspicuously state that the endorsement has been authorized. If applicable, the communication must also satisfy the requirements of section 1014.

**3. Civil forfeiture.** A candidate who uses an endorsement without the authorization of the endorser violates this section and is subject to a civil forfeiture of no more than \$200.

**4. Enforcement.** Upon determining that an endorsement has been used without the endorser's authorization, the commission shall notify the Secretary of State of the violation. The Secretary of State shall collect the full amount of the forfeiture within 30 days after receiving notice of the violation from the commission. The Secretary of State has all necessary powers to carry out this responsibility. If within 30 days after receiving notice of the violation the Secretary of State has not collected the forfeiture, the Secretary of State shall report to the Attorney General the name of the person who has failed to pay the full amount of the forfeiture. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the forfeiture. This action must be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

**STATEMENT OF FACT**

This bill defines endorsement and requires a candidate who wishes to publicly communicate an endorsement to first obtain authorization of the endorser. Any communication that uses an endorsement must clearly and conspicuously state that the endorsement is authorized. If applicable, in addition to this

2 endorsement requirement a candidate must also satisfy the  
disclosure requirements of the Maine Revised Statutes, Title  
4 21-A, section 1014. The bill also establishes the forfeiture for  
failure to obtain authorization and the procedure for collecting  
that forfeiture.  
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