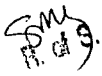


MAINE STATE LEGISLATURE

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Date: **3-12-12**

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MINORITY

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “**A**” to S.P. 383, L.D. 1262, Bill, “An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws”

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Disclosures on Political Communications'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 21-A MRSA §1014, sub-§1, as amended by PL 2011, c. 389, §10, is further amended to read:

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers, electronic media advertisements where compliance with this section would be impracticable due to size or character limitations and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. A communication described in this subsection made via digital or electronic media, radio or television must include an oral statement by the person who paid for the

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1 communication stating the person's name and that the person paid for the communication.
 2 Statements made using video included as part of a television or digital or electronic media
 3 communication must visually display the person in the act of making the statement. When
 4 the expenditure for the communication is not made by an individual, the statement must
 5 be made by a principal officer of the organization making the expenditure or a person
 6 with significant decision-making authority for making the expenditure. A communication
 7 financed by a candidate or the candidate's committee is not required to state the address
 8 of the candidate or committee that financed the communication. A communication in the
 9 form of a sign that is financed by a candidate or the candidate's committee and that
 10 clearly identifies the name of the candidate and is lettered or printed individually by hand
 11 is not required to include the name and address of the person who made or financed the
 12 communication or to include a statement that the communication has been authorized by
 13 the candidate, the candidate's authorized committee or their agents.

14 **Sec. 2. 21-A MRSA §1014, sub-§2,** as amended by PL 2011, c. 360, §1, is
 15 further amended to read:

16 **2. Not authorized by candidate.** If the communication described in subsection 1 is
 17 not authorized by a candidate, a candidate's authorized political committee or their agents,
 18 the communication must clearly and conspicuously state that the communication is not
 19 authorized by any candidate and state the name and address of the person who made or
 20 financed the expenditure for the communication. If the communication is in written
 21 form, the communication must contain at the bottom of the communication in print that is
 22 no smaller in size than 12-point bold print, Times New Roman font, the words "NOT
 23 PAID FOR OR AUTHORIZED BY ANY CANDIDATE." A communication described
 24 in this subsection that is made via digital or electronic media, radio or television must
 25 include an oral statement by the person who paid for the communication stating that
 26 person's name and that the person paid for the communication. Statements made using
 27 video included as part of a television or digital or electronic media communication must
 28 visually display the person in the act of making the statement. When the expenditure for
 29 the communication is not made by an individual, the statement must be made by a
 30 principal officer of the organization making the expenditure or a person with significant
 31 decision-making authority for making the expenditure.'

32 **SUMMARY**

33 This amendment replaces the bill and is the minority report of the committee. It
 34 amends the laws governing political communications made using radio, television and
 35 digital and electronic media that advocate for the election or defeat of a clearly identified
 36 candidate in an election. The amendment requires a statement by the person who paid for
 37 the communication stating the person's name and that the person paid for the
 38 communication. When the expenditure for the communication is not made by an
 39 individual, the statement must be made by a principal officer of the organization or a
 40 person with significant decision-making authority for paying for the communication.
 41 This statement is required for communications that are authorized by a candidate and
 42 those that are not authorized by a candidate.