

Sponsor's proposed Amendment to:
L.D. 157, An Act Regarding the Fair Representation of Candidate Identities

An Act Regarding the Fair Representation of Candidate Identities

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

Sec. 1. 21-A MRSA §1001, sub-§1-B is enacted to read:

1-B. Candidate's authorized political committee. "Candidate's authorized political committee" means the political committee authorized by the candidate under section 1013-A, subsection 1, paragraph B to promote the candidate's election.

Sec. 2. 21-A MRSA §1004-A, sub-§5, as amended by PL 2005, c. 301, §6, is further amended to read:

5. Material false statements statement in documents filed with commission. A person that makes a material false statement in or that makes a statement that includes a material misrepresentation in a document that is required to be submitted to the commission, or that is submitted in response to a request by the commission, may be assessed a penalty not to exceed \$5,000.

Sec. 3. 21-A MRSA §1004-A, sub-§6 is enacted to read:

6. False statement of incumbency. A candidate or a candidate's authorized political committee that violates section 1014-C, subsection 2 or 3 directly or through an agent may be assessed a penalty not to exceed \$500.

Sec. 4. 21-A MRSA §1004-A, 2nd ¶, as amended by PL 2009, c. 302, §1, is further amended to read:

When the commission has reason to believe that a violation has occurred, the commission shall provide written notice to the candidate, candidate's authorized political committee, party committee, political action committee, committee treasurer or other respondent and shall afford them an opportunity to appear before the commission before assessing any penalty. In determining any penalty under subsections 3, 4 and, 5 and 6, the commission shall consider, among other things, the level of intent to mislead, the penalty necessary to deter similar misconduct in the future and the harm suffered by the public from the incorrect disclosure or false statement. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

Sec. 5. 21-A MRSA §1014-C is enacted to read:

§1014-C. False statement of incumbency

1. Communication defined. For purposes of this section, "communication" includes the communications described in section 1014, subsections 1, 2 and 2-A and includes the communications described in section 1014, subsection 6, paragraphs A to E.

2. Use of term "reelect". A candidate and a candidate's authorized political committee may not, directly or through an agent, finance or authorize a communication that uses the term "re-elect" or "reelect" in relation to the nomination or election of that candidate to office unless the candidate holds that office at the time the communication is made.

3. Use of office title. A candidate and a candidate's authorized political committee may not, directly or through an agent, finance or authorize a communication that names or identifies the candidate using the title of the office to which the candidate seeks nomination or election unless the candidate has held or holds that office at the time the communication is made.

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4. Penalty. A candidate or a candidate's authorized political committee that violates this section directly or through an agent may be assessed a penalty in accordance with section 1004-A.

Sec. 6. 21-A MRSA §1052, sub-§5, ¶B, as amended by PL 2011, c. 389, §32, is further amended by amending subparagraph (2) to read:

(2) A candidate's authorized political committee ~~under section 1013-A, subsection 1, paragraph B;~~

SUMMARY

This bill prohibits a candidate and a candidate's authorized political committee from directly or indirectly financing or authorizing a communication that uses the terms "re-elect" or "reelect" in relation to the nomination or election of that candidate to office or that names or identifies the candidate using the title of the office to which the candidate seeks nomination or election, unless the candidate **has held or** holds that office at the time the communication is made. A candidate or a candidate's authorized political committee that violates these prohibitions is subject to a penalty of up to **\$500**, to be assessed by the Commission on Governmental Ethics and Election Practices.