



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

---

Legislative Document

No. 157

---

H.P. 113

House of Representatives, January 21, 2021

### **An Act Regarding the Fair Representation of Candidate Identities**

---

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GROHOSKI of Ellsworth.

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

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

3 **1-B. Candidate's authorized political committee.** "Candidate's authorized political  
4 committee" means the political committee authorized by the candidate under section  
5 1013-A, subsection 1, paragraph B to promote the candidate's election.

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

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

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

14 **6. False statement of incumbency.** A candidate or a candidate's authorized political  
15 committee that violates section 1014-C, subsection 2 or 3 directly or through an agent may  
16 be assessed a penalty not to exceed \$5,000.

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

19 When the commission has reason to believe that a violation has occurred, the  
20 commission shall provide written notice to the candidate, candidate's authorized political  
21 committee, party committee, political action committee, committee treasurer or other  
22 respondent and shall afford them an opportunity to appear before the commission before  
23 assessing any penalty. In determining any penalty under subsections 3, 4 ~~and~~ 5 ~~and~~ 6, the  
24 commission shall consider, among other things, the level of intent to mislead, the penalty  
25 necessary to deter similar misconduct in the future and the harm suffered by the public  
26 from the incorrect disclosure or false statement. A final determination by the commission  
27 may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter  
28 7 and the Maine Rules of Civil Procedure, Rule 80C.

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

30 **§1014-C. False statement of incumbency**

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

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

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

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

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

6 (2) A candidate's authorized political committee ~~under section 1013-A, subsection~~  
7 ~~1, paragraph B~~;

#### 8 SUMMARY

9 This bill prohibits a candidate and a candidate's authorized political committee from  
10 directly or indirectly financing or authorizing a communication that uses the terms "re-  
11 elect" or "reelect" in relation to the nomination or election of that candidate to office or that  
12 names or identifies the candidate using the title of the office to which the candidate seeks  
13 nomination or election, unless the candidate holds that office at the time the communication  
14 is made. A candidate or a candidate's authorized political committee that violates these  
15 prohibitions is subject to a penalty of up to \$5,000, to be assessed by the Commission on  
16 Governmental Ethics and Election Practices.