



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commission
From: Jonathan Wayne
Date: June 8, 2026
Re: Request from Nirav Shah Campaign to Investigate Text Messages

In Maine, text messages sent with the assistance of mass distribution technology that expressly advocate for the election or defeat of a candidate must clearly state the name of the person who made or financed the expenditure for the text messages. The campaign of Nirav Shah for Governor is requesting that the Ethics Commission investigate text messages received on June 6, 2026 urging support for Hannah Pingree, Troy Jackson, and Shenna Bellows in the Democratic primary election. The texts contain no “Paid for by _____” statement, but they include a URL that may indicate the party responsible for the text messages. The texts contain an image that looks like a news headline from a Portland TV station and urges voters to rank Pingree, Jackson, and Bellows as their top three choices. The texts include a hyperlink that brings the recipient to a news story on the Maine Public website concerning how the three candidates are urging support for each other through ranked choice voting.

LEGAL REQUIREMENTS

Required Identification of Spender in Express Advocacy Text Messages

Title 21-A, section 1014 requires certain communications to voters advocating for or against candidates to identify who paid for them. Subsection 1014(5-A) applies to text messages:

Text messages sent with the assistance of mass distribution technology that is paid for by a person must clearly and conspicuously state the name of the person who made or financed the expenditure if:

- A. The text message expressly advocates the election or defeat of a candidate; or
- B. The text message contains a link to a website that expressly advocates the election or defeat of a candidate.

Express Advocacy

Express advocacy is a phrase that is defined in the Commission’s rules. The rule contains a non-exhaustive list of phrases that urge a vote for or against a candidate, such as "vote for the Governor" or “Jones for House of Representatives.” In addition, express advocacy includes words or slogans which are “susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.” 94-270 C.M.R. ch. 1, § 10(2)(B).

Disclosure Statements Required for Public Communications Generally

More generally, a “public communication” that expressly advocates the election or defeat of a candidate must state (1) the name and address of the person who made or financed the expenditure for the communication, and (2) whether the communication was authorized by a candidate, a candidate’s authorized campaign committee, or their agents. 21-A M.R.S. § 1014(1) & (2). The definition of “public communication” is in the attached materials. It covers general public political advertising, including communications over the internet that are placed or promoted for a fee on other people’s devices. 21-A M.R.S. § 1001(4).

Standard for Initiating an Investigation

The Commission is required to review every request to investigate an alleged violation of campaign finance law and to conduct an “investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.” 21-A M.R.S. § 1003(2).

FACTUAL BACKGROUND

On Saturday, June 6, 2026, some Maine voters received text messages urging support for a “slate” of candidates that includes Hannah Pingree, Shenna Bellows, and Troy Jackson. The text message includes a graphic that looks like a news headline from a Portland TV station and a photo of the three candidates. A caption within the graphic reads: “The slate have been champions on issues such as marriage equality, labor issues and other progressive causes.” Below that graphic is language containing the following call to action and hyperlink:

Stand with the slate for a better Maine. Troy Jackson, Hannah Pingree and Shenna Bellows have cross-endorsed each other in next week's Dem primary for Governor. Have a favorite? Rank them #1. Then rank the other two #2 and #3. That's how all three asked Mainers to vote, and it's how you make your ballot count next Tuesday, June 9th.

Full story here: <https://vote-rise.com/meBN1?id=TRQU> - VR, stop to end

According to the Shah campaign, after a user clicks on the link, the user's browser opens briefly to a webpage within the domain www.vote-rise.com and is then redirected to a news article on the Maine Public website about Troy Jackson, Hannah Pingree, and Shenna Bellows announcing support for each other through ranked-choice voting (story linked [here](#)).

The Shah campaign attributes the texts to "a group loosely identified as 'Vote Rise.'" The Shah campaign asks the Commission to determine whether the text clearly and conspicuously states the name of the person who made or financed the expenditure and whether Vote Rise was obligated to register with the Commission or file any campaign finance reports, such as an independent expenditure report. Because the URL <https://vote-rise.com> was used in the text, the Shah campaign has attached images from a website with a similar name, www.voterise.info, along with search results for the domain name www.voterise.info.

The website www.voterise.info is affiliated with a PAC, VoteRise, that registered with the Federal Election Commission on October 1, 2024. It reported no financial activity to the FEC in 2024. In December 2025, it spent \$3,959.91 on text messaging to support a candidate in a special election for U.S. House of Representatives in Tennessee. In May 2026, it spent \$1,127.25 on text messaging to support a Democratic candidate for U.S. Senate in a primary election in Montana.

STAFF ANALYSIS

In the Commission staff's opinion, the texts should be viewed as expressly advocating for Hannah Pingree, Troy Jackson, and Shenna Bellows under section 10(2)(B) of the Commission's Chapter 1 rules. The text contains phrases such as "Rank them #1. Then rank the other two #2 and #3" which explicitly urge voting for Pingree, Jackson, and Bellows. Overall, the text messages seem "susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate." 94-270 C.M.R. ch. 1, § 10(2)(B).

If the texts expressly advocate for clearly identified candidates and were sent with the assistance of mass distribution technology, 21-A M.R.S. § 1014(5-A) requires the texts to clearly and conspicuously state the name of the person who made or financed the expenditure for the texts.

The Shah campaign asserts the text messages do not clearly identify the person who made the expenditure for the text messages. If a group by the name of Vote Rise did pay for the texts, it potentially could argue that its name *is* clearly and conspicuously stated because of its inclusion in the hyperlink <https://vote-rise.com/meBN1?id=TRQU> and because its initials are in the sign-off “ – VR.” Commission staff would have some reluctance accepting that argument because we are not sure that meets minimal requirements to be considered “clear,” but that argument could be made.

Overall, the Commission staff believes “the reasons stated for the request” probably “show sufficient grounds for believing that a [disclosure statement] violation may have occurred,” which is the standard for initiating an investigation after a complaint has been filed. 21-A M.R.S. § 1003(2). It’s inferable that a violation may have occurred, but some facts are not 100% confirmed, such as who actually made or financed any expenditures for the design or distribution of the texts and whether mass distribution technology was used (although that does seem likely). If an organization named Vote Rise did make or finance the expenditure(s), the Commission would need to decide whether its name is clearly and conspicuously stated.

With regard to whether someone violated the PAC registration or independent expenditure (IE) reporting requirements, it is unknown whether the spender exceeded the applicable thresholds: \$2,500 for PAC registration and a combined threshold \$3,000 for making an IE communication that promotes three candidates (an IE report is required if more than \$1,000 *per candidate* is spent).

NEWELL AUGUR

Merrill's Wharf
254 Commercial Street
Portland, ME 04101

157 Capitol Street
Suite 3
Augusta, ME 04330

PH 207.791.1281
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naugur@pierceatwood.com

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Admitted in: ME

June 6, 2026

Jonathan Wayne, Executive Director
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

BY ELECTRONIC MAIL

Dear Jonathan,

On behalf of the Shah for Maine Campaign and pursuant to MRSA 21-A Section 1003 Subsection 2, we respectfully request that the Commission immediately investigate a text message disseminated today by a group loosely identified as 'Vote Rise.' The text message, which expressly advocates for the election of a candidate, does not comply with the disclaimer requirements established by 21-A M.R.S. § 1014(5-A).

BACKGROUND

Earlier today, members of the Shah campaign received a political text message from telephone number (541) 937-9804 concerning the Democratic primary election for Governor. The message urged recipients to support a coordinated ranking strategy involving candidates Shenna Bellows, Troy Jackson and Hannah Pingree. Specifically, the communication included a graphic displaying the branding of WMTW-TV. That message resembles a screenshot from WMTW-TV social media and states: Bellows, Jackson and Pingree Cross-Endorse for Governor.

The message also contained a hyperlink associated with the domain vote-rise.com. Upon clicking the link, the browser briefly displayed the vote-rise.com domain before automatically redirecting to a Maine Public news article from May 22, 2026 entitled "Shenna Bellows, Troy Jackson and Hannah Pingree form ranked-choice alliance in gubernatorial primary."

To our knowledge and based on our research, Vote Rise is not a registered independent expenditure entity or political action committee in Maine. Additionally, the actual voterise.info website does not contain information about who funds the website and its political activities. Copies of the text message, redirect sequence, and destination webpage are attached.

TRANSPARENCY CONSIDERATIONS OF 21-A M.R.S. § 1014(5-A)

The text message disseminated by Vote Rise instructs recipients how to rank candidates in the upcoming gubernatorial primary and encourages support for a coordinated slate of candidates. This expressly advocates for the election of a candidate as defined in Chapter 1, § 10(2)(B) of the Commission's Rules. Notably, the text message does not clearly and conspicuously identify the person, organization, political action committee, or other entity that financed or authorized the communication. This is in direct violation of 21-A MRSA § 1014 (5-A), requiring text messages to clearly and conspicuously state the name of the person who made or financed the expenditure.¹

ADDITIONAL CONCERNS

The Commission should also determine the identity and legal status of the entity operating through the vote-rise.com domain. Based upon a review of publicly available information, we cannot determine the legal entity responsible for the communication; whether that entity is registered with the Commission in any capacity; or whether any reporting obligations were triggered by expenditures associated with the communication. Per Maine election law and the Commission's [most recent guidance on independent expenditures](#), an entity making an independent expenditure in excess of \$1,000 is required to file a report within one calendar day of making the expenditure. As of 3:00 pm of the

¹ Further, the redirect website or destination article does not identify the sponsor responsible for the communication.

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date of this letter, there is no registration by Vote Rise on the Commission's website. We believe that for a group previously unengaged in the Maine gubernatorial campaign to disseminate a text message would have required more than 24 hours to establish a vendor relationship, secure a texting platform, prepare the text copy and determine the voters to be targeted.

REQUEST FOR INVESTIGATION

The campaign respectfully requests that the Commission determine whether the text messages disseminated by Vote Rise expressly advocating for a candidate violate 21-A MRSA § 1014 (5-A). Further, we ask that the Commission investigate whether any registration or reporting obligations apply to the entity responsible for these text messages. We urge the Commission to take immediate and appropriate action under Maine law.

Sincerely,

A handwritten signature in black ink, appearing to read "Newell A. Augur". The signature is fluid and cursive, with a long horizontal stroke at the end.

Newell A. Augur

Attachments



+1 (541) 937-9804 ›

Text Message • SMS
Today 11:14 AM



Bellows, Jackson and Pingree Cross-Endorse for Governor

Candidates Hannah Pingree, Shenna Bellows and Troy Jackson want you to vote for all three of them this upcoming Tuesday. Ranked Choice Voting allows you to rank candidates by preference.



The slate have been champions on issues such as marriage equality, labor issues and other progressive causes.



Stand with the slate for a better Maine. Troy Jackson, Hannah Pingree and Shenna Bellows have cross-endorsed each other in next week's Dem primary for Governor. Have a favorite? Rank them #1. Then rank the other two #2 and #3. That's how all three asked Mainers to vote, and it's how you make your ballot count next Tuesday, June 9th. Full story here: <https://vote-rise.com/meBN1?id=TRQU>
- VR, stop to end

If



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Text Message • SMS

Send



ay

12:57



vote-rise.com



3

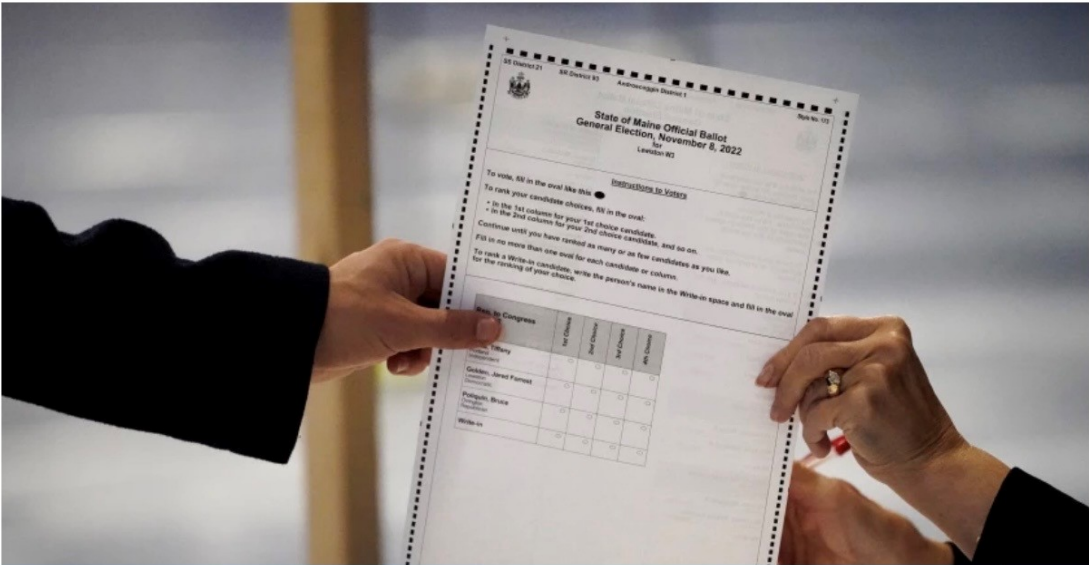


The printing & delivery of *Experience Magazine's* June issue is delayed. Read it on-line [HERE](#).

Shenna Bellows, Troy Jackson and Hannah Pingree form ranked-choice alliance in gubernatorial primary

Maine Public | By [Kevin Miller](#)

Published May 22, 2026 at 4:42 PM EDT



VOTE RISE

EVERY CITIZEN NEEDS TO **EXERCISE THEIR RIGHT TO VOTE**

At VoteRise, we work to ensure that everyone has access to the tools and knowledge needed to participate in the electoral process.

LEARN MORE ↓



**YOUR VOICE MATTERS.
AND YOUR VOTE IS POWERFUL.**

WHY VOTE?

Voting is one of the most important ways to shape the future of your community and country. We promote non-partisan civic engagement by helping



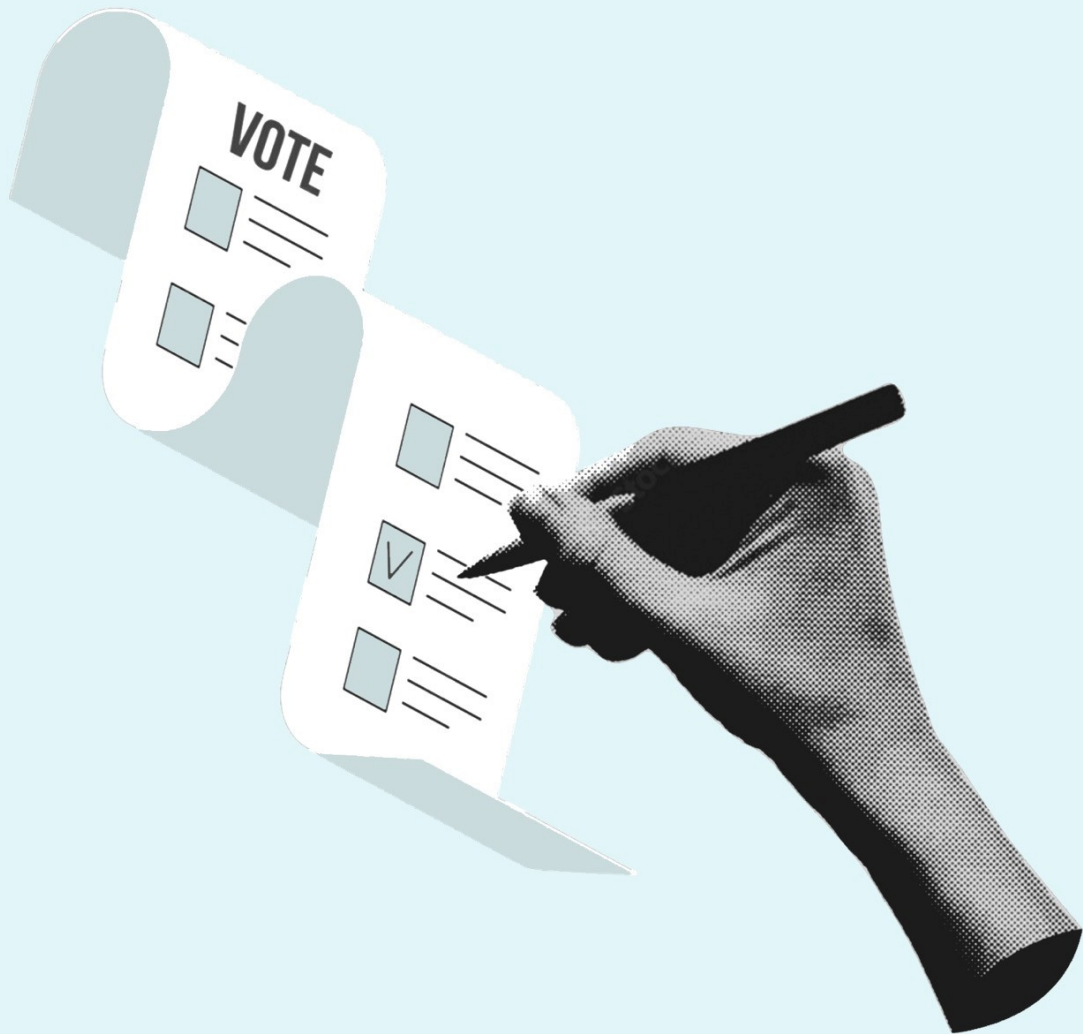
voterise.info



WHY VOTE?

Voting is one of the most important ways to shape the future of your community and country. We promote non-partisan civic engagement by helping citizens understand the impact of their vote. When more people participate, our democracy becomes stronger, more inclusive, and more reflective of the people it serves.

LEARN MORE ↓



voterise.info





READY TO MAKE A DIFFERENCE?

We offer resources for voter registration, important election dates, and information on local, state, and national elections. Together, we can ensure that every eligible voter has the opportunity to participate in shaping our future.

LEARN MORE ↓

CONTACT US AND GET INVOLVED

Name



voterise.info



CONTACT US AND GET INVOLVED

Name

Johnny Appleseed

Email Address

myname@mydomain.com

Inquiry Type

General Question



Your Message

Type your message

I'm not a robot



reCAPTCHA

SUBMIT

**Paid for by Voterise. voterise.info Not
authorized by any candidate or candidate's
committee.**

WHOIS search results

Domain Information

Name	voterise.info
Registry	-
Domain ID	
Registered On	2024-10-04T19:52:15.517Z
Expires On	2026-10-04T19:52:15.517Z
Updated On	2025-09-09T04:27:46.128Z
Domain Status	client transfer prohibited
Name Servers	chloe.ns.cloudflare.com julio.ns.cloudflare.com

Registrant Contact

Name	DATA REDACTED
Organization	DATA REDACTED
Address	DATA REDACTED

Registrant Contact



Name	DATA REDACTED
Organization	DATA REDACTED
Phone	DATA REDACTED;ext=DATA REDACTED
Fax	DATA REDACTED;ext=DATA REDACTED
Email	https://domaincontact.registrar.cloudflare.com/voterise.info
Mailing Address	DATA REDACTED, DATA REDACTED, DATA REDACTED, IL, DATA REDACTED

Technical Contact



Name	DATA REDACTED
Organization	DATA REDACTED

Registrar Information

Name	Cloudflare, Inc.
IANA ID	1910
Abuse Contact Email	registrar-abuse@cloudflare.com
Abuse Contact Phone	+1.4153197517

DNSSEC Information

Delegation Signed	Unsigned
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Notice and Remarks

Terms of Service

Access to RDAP information is provided to assist persons in determining the contents of a domain name registration record in the registry database. The data in this record is provided by Identity Digital or, if the record pertains to a TLD not operated by Identity Digital, then the corresponding primary Registry Operator for informational purposes only, and neither Identity Digital nor the Registry Operator

21-A M.R.S. § 1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commission. “Commission” means the Commission on Governmental Ethics and Election Practices established under Title 1, section 1002.

1-A. Caucus political action committee. “Caucus political action committee” means a political action committee designated under section 1053-C to promote the election of nominees of a political party to the Senate or the House of Representatives.

2. Election. “Election” means any primary, general or special election for state or county office or municipal office in a municipality subject to Title 30-A, section 2502, subsection 1 and any referendum, including a municipal referendum in a municipality subject to Title 30-A, section 2502, subsection 2.

3. Person. “Person” means an individual, committee, firm, partnership, corporation, association or organization.

4. Public communication. “Public communication” means a communication to the public by means of broadcast, cable or satellite communication; newspapers, direct mail, handbills or other printed literature; campaign signs or other outdoor advertising facilities; and prerecorded automated telephone calls or other types of general public political advertising. For the purposes of this subsection, “general public political advertising” does not include communication over the Internet, except for communications placed or promoted for a fee on another person’s website, digital device, application or advertising platform.

21-A M.R.S. § 1003. Investigations by commission

1. Investigations. The commission may undertake audits and investigations to determine whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A.** Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B.** Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C.** Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

2. Investigations requested. A person may apply in writing to the commission requesting an investigation as described in subsection 1. The commission shall review the application and shall make the investigation if the reasons stated for the request show sufficient grounds for believing that a violation may have occurred.

2-A. Confidentiality. [PL 2001, c. 535, §1 (RP).]

3. State Auditor. The State Auditor shall assist the commission in making investigations and in other phases of the commission's duties under this chapter, as requested by the commission, and has all necessary powers to carry out these responsibilities.

3-A. Confidential records. Investigative working papers of the commission are confidential, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or other enforcement matter:

- A.** Financial information not normally available to the public;
- B.** Information that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's political committee, or other person who is the

subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, if the information or record is relevant to a memorandum or interim or final report by the commission staff or a decision by the commission concerning an audit, investigation or other enforcement matter. A memorandum or report on the audit or investigation prepared by staff for the commission may be disclosed at the time it is submitted to the commission, as long as the subject of the audit or investigation has an opportunity to review it first to identify material that the subject of the audit or investigation considers privileged or confidential under some other provision of law.

4. Attorney General. Upon the request of the commission, the Attorney General shall aid in any investigation, provide advice, examine any witnesses before the commission or otherwise assist the commission in the performance of its duties. The commission shall refer any apparent violations of this chapter to the Attorney General for prosecution.

21-A M.R.S. § § 1014. Publication or distribution of political public communications

1. Authorized by candidate. Whenever a person makes an expenditure to finance a public communication expressly advocating the election or defeat of a clearly identified candidate, the public communication, if authorized by a candidate, a candidate's authorized political committee or a candidate's or a candidate's authorized political committee's agents, must clearly and conspicuously state that the public communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the public communication. A public communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the public communication. If a public communication that is financed by someone other than the candidate or the candidate's authorized committee is broadcast by radio, only the city and state of the address of the person who financed the public communication must be stated.

2. Not authorized by candidate. If a public communication described in subsection 1 is not authorized by a candidate, a candidate's authorized political committee or a candidate's or a candidate's authorized political committee's agents, the public communication must clearly and conspicuously state that the public communication is not authorized by any candidate and state the name and address of the person who made or financed the expenditure for the public communication, except that a public communication broadcast by radio is only required to state the city and state of the address of the person that financed the public communication. If the public communication is in written form, the public communication must contain at the bottom of the public communication in print that is no smaller in size than 12-point bold print, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

2-A. Other public communications. Whenever a person makes an expenditure to finance a public communication that names or depicts a clearly identified candidate and that is disseminated during the 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the election day for a general election, the public communication must state the name and address of the person who made or financed the public communication and a statement that the public communication was or was not authorized by the candidate, except that a public communication broadcast by radio is only required to state the city and state of the address of the person that financed the public communication. The disclosure is not required if the public communication was not made for the purpose of influencing the candidate's nomination for election or election.

2-B. Top 3 funders; independent expenditures. A public communication that is funded by an entity making an independent expenditure as defined in section 1019-B, subsection 1 must conspicuously include the following statement:

“The top 3 funders of (name of entity that made the independent expenditure) are (names of top 3 funders).”

The information required by this subsection may appear simultaneously with any statement required by subsection 2 or 2-A. A public communication that contains a visual aspect must include the statement in written text. A public communication that does not contain a visual aspect must include an audible statement. This statement is required only for public communications made through broadcast, cable or satellite systems; Internet audio and video programming; direct mail; or newspaper or other periodical publications.

A broadcast, cable or satellite television communication or Internet video communication must include both an audible and a written statement. For a broadcast, cable or satellite television communication or Internet video communication 60 seconds or less in duration, the audible statement may be omitted.

The top funders named in the required statement consist of the funders providing the highest dollar amount of funding to the entity making the independent expenditure since the day following the most recent general election day.

A. For purposes of this subsection, “funder” includes:

(1) Any entity that has made a contribution as defined in section 1052, subsection 3 to the entity making the independent expenditure since the day following the most recent general election day; and

(2) Any entity that has given a gift, subscription, loan, advance or deposit of money or anything of value, except for transactions in which a fair value is given in return, since the day following the most recent general election day.

B. If funders have given equal amounts, creating a tie in the ranking of the top 3 funders, the tie must be broken by naming the tying funders in chronological order of the receipt of funding until 3 funders are included in the statement. If the chronological order cannot be discerned, the entity making the independent expenditure may choose which of the tying funders to include in the statement. A public communication may not be required to include the names of more than 3 funders.

C. The statement required under this subsection is not required to include the name of any funder who has provided less than \$1,000 to the entity making the independent expenditure since the day following the most recent general election day.

D. If only one or 2 funders must be included pursuant to this subsection, the public communication must identify the number of funders as “top funder” or “top 2 funders” as appropriate. If there are no funders required to be included under this subsection, no statement is required.

E. When compiling the list of top funders, an entity making an independent expenditure may disregard any funds that the entity can show were used for purposes unrelated to the candidate mentioned in the public communication on the basis that

funds were either spent in the order received or were strictly segregated in other accounts.

F. The statement required under this subsection is not required in any public communication consisting of an audio broadcast of 60 seconds or less or a print communication of 20 square inches or less.

G. If the list of funders changes during the period in which a recurring public communication is aired or published, the statement appearing in the public communication must be updated at the time that any additional payments are made for that public communication.

H. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this subsection. Rules adopted pursuant to this paragraph must ensure that the information required by this subsection is effectively conveyed for a sufficient duration and in a sufficient font size or screen size when applicable without undue burden on the ability of the entity to make the public communication. The rules must also provide an exemption for types of public communications for which the required statement would be impossible or impose an unusual hardship due to the unique format or medium of the public communication.

3. Broadcasting prohibited without disclosure. Except as provided in subsection 5-C, paragraph C, a person operating a broadcast, cable or satellite system within this State may not broadcast any public communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of each disclosure required by this section.

3-A. In-kind contributions of printed materials. A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a ballot question. Any in-kind contributions of printed materials used or distributed by a candidate, political committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

3-B. Newspapers. Except as provided in subsection 5-C, paragraph C, a newspaper may not publish a public communication described in subsections 1 to 2-A without including each disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not a communication requires the disclosure.

4. Enforcement. A violation of this section may result in a civil penalty of no more than 100% of the amount of the expenditure in violation, except that a violation of subsection

5-C may result in a civil penalty of no more than 500% of the amount of the expenditure in violation and except that an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among other things, how widely the public communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the public communication conceals or misrepresents the identity of the person who financed it. If the person who financed the public communication or who committed the violation corrects the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the public communication, the commission may, except for a violation of subsection 5-C, decide to assess no civil penalty.

5. Telephone calls. [2025, ch. 224, § 7 (RP).]

5-A. Text messages. Text messages sent with the assistance of mass distribution technology that is paid for by a person must clearly and conspicuously state the name of the person who made or financed the expenditure if:

- A.** The text message expressly advocates the election or defeat of a candidate; or
- B.** The text message contains a link to a website that expressly advocates the election or defeat of a candidate.

5-B. Websites of candidate or political committee. A website or other Internet application available to the general public that is established by a party committee or a person that is required to register with the commission as a candidate or political action committee and that expressly advocates for the election or defeat of a candidate or that names a clearly identified candidate during the 28 days, including election day, before a primary election, during the 35 days, including election day, before a special election or during the period of time from Labor Day to the election day for a general election must state the name and address of the person who made or financed the expenditure for the website or other Internet application and state that the website or other Internet application was or was not authorized by the candidate.

5-C. Use of synthetic media. Whenever a public communication that requires a disclosure under subsections 1, 2, 2-A or 2-B contains synthetic media, the public communication must include, in addition to any other required disclosure, the words "THIS COMMUNICATION CONTAINS AUDIO, VIDEO AND/OR IMAGES THAT HAVE BEEN MANIPULATED OR ALTERED." The commission shall adopt rules regarding the manner, size and placement of the disclosure required under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

- A.** For purposes of this subsection, "synthetic media" means an image, an audio recording or a video recording depicting a candidate's appearance, speech or conduct that:

(1) In a manner that is likely to deceive a reasonable person, depicts the candidate saying or doing something that the candidate did not say or do; or

(2) Has been manipulated or altered in a manner that is likely to provide a reasonable person with a materially different understanding or impression of the candidate's appearance, action or speech than a reasonable person would have from an unaltered, original version of the image, audio recording or video recording.

B. For purposes of this subsection, "synthetic media" does not include:

(1) An image, an audio recording or a video recording depicting a candidate's appearance, speech or conduct that has been modified to improve audio, video or image clarity, to add captions or to highlight a specific section of the image, audio recording or video recording as long as the modification does not create a materially different understanding or impression of the candidate's appearance, action or speech than a reasonable person would have from an unaltered, original version of the image, audio recording or video recording; or

(2) Satire or parody.

C. A person operating a broadcast, cable or satellite system within the State that broadcasts a public communication does not violate this subsection and a newspaper that publishes a public communication does not violate this subsection unless the broadcaster broadcasts or newspaper publishes a paid public communication with actual knowledge that the public communication contains synthetic media. The broadcaster's or newspaper's receipt of an allegation made by a 3rd party that a public communication contains synthetic media does not, by itself, constitute actual knowledge by the broadcaster or newspaper that the public communication contains synthetic media. For purposes of this paragraph, "newspaper" has the same meaning as in subsection 3-B.

D. The commission shall notify the Office of the Attorney General if a person who is in violation of this subsection does not cease violating this subsection after being notified of the violation by the commission or if the commission is unable for any reason to notify a person that the person is in violation of this subsection. The Attorney General may bring a civil action in the Superior Court of Kennebec County for injunctive or other appropriate equitable relief requiring the person to comply with this subsection. An action under this paragraph may be combined with an action under section 1004-B for the purposes of the enforcement of penalties assessed by the commission. If the Attorney General prevails in an action under this paragraph, the court may award to the Attorney General the costs of the action together with reasonable attorney's fees as determined by the court.

E. This subsection may not be construed to prohibit or limit any other cause of action that a person may have against a person who violates this subsection.

6. Exclusions. The requirements of this section do not apply to:

A. Handbills or other literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

B. Campaign signs produced and distributed at a cost not exceeding \$100, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

C. Internet and e-mail activities costing less than \$100, as excluded by rule of the commission, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee;

D. Public communications in which the name or address of the person who made or authorized the expenditure for the public communication would be so small as to be illegible or infeasible, including public communications on items such as 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 fundraisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section and in electronic media advertisements where compliance with this section would be impractical due to size or character limitations;

E. Campaign signs that are financed by the candidate or candidate's authorized committee and that clearly identify the name of the candidate and are lettered or printed individually by hand;

F. Prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate; and

G. Telephone surveys that meet generally accepted standards for polling research and that are not conducted for the purpose of influencing the voting position of call recipients.

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SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. General. Any person, party committee, political committee or political action committee that makes any independent expenditure in excess of \$ 250 per candidate in an election must file a report with the Commission according to this section.

2. Definitions. For purposes of this section, the following phrases are defined as follows:

A. "Clearly identified," with respect to a candidate, has the same meaning as in 21-A M.R.S. § 1012(1).

B. "Expressly advocate" means any public communication that

(1) uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or public communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!"; or

(2) is susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.

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