



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

To: Commission
From: Jonathan Wayne, Executive Director
Date: May 18, 2026
Re: Proposed Amendments to Chapter 1, §§ 7(12) & 10 of Commission Rules

The Commission staff proposes commencing a rulemaking at the May 27, 2026 meeting by inviting public comments on amendments to Chapter 1, §§ 7(12) & 10 of the Commission's rules. The purpose would be to update the Commission's rules in response to two new chapter laws:

- Chapter 593 of the Public Laws of 2025, which requires that certain paid communications to the public containing images or audio of a candidate that have been misleadingly manipulated or altered contain a specific disclosure statement, and
- Chapter 600 of the Public Laws of 2025, which increased the spending threshold for communications to the public that require the filing of an "independent expenditure report" with the Commission.

The staff proposes the following schedule for the rulemaking:

Commission initiates rulemaking	5/27/26
Staff distributes invitation to comment	6/1/26
Public hearing for Commission to receive oral comments	6/24/26
Deadline for written comments	7/8/26
Commission decides whether to adopt rule amendments	7/29/26

The following materials are attached:

- redline versions of Chapter 1, §§ 7(12) & 10 that show the proposed insertions in red and proposed deletions in blue. ETH 1-6.
- a "clean" version showing how Chapter 1, §§ 7(12) & 10 would read if the Commission adopted all the changes proposed by staff. ETH 7-12.

- P.L. 2025, Ch. 593. ETH 13-15.
- P.L. 2025, Ch. 600. ETH 16-19.
- for your reference, 21-A M.R.S. § 1014 as amended by Ch. 593. ETH 20-26.
- two federal regulations referred to Chapter 1, § 7(12). ETH 27-41.
- examples of disclosure statements required by current 21-A M.R.S. § 1014. ETH 42.

P.L. 2025, Chapter 593

Chapter 593 requires, in summary, that certain paid communications to the public containing images or audio of a candidate that have been misleadingly manipulated or altered contain a specific disclosure statement:

THIS COMMUNICATION CONTAINS AUDIO, VIDEO AND/OR
IMAGES THAT HAVE BEEN MANIPULATED OR ALTERED.

The law defines a new term, “synthetic media,” to describe which communications need to contain the statement. The bill was prompted by the widespread distribution of AI-created images and sound depicting officials and candidates.

The Commission is required to adopt rules regarding the manner, size and placement of the disclosure statement in the communications. Consistent with past practice, the Commission staff recommends beginning the rulemaking now, even though the law will effect on July 28, 2026.

The new requirement has been inserted into 21-A M.R.S. § 1014, which already requires one or two disclosure statements in paid election communications advocating for or against candidates:

- *spender and candidate authorization*: paid communications to the public advocating for or against candidates (*e.g.*, ads and mailers) must state the name and address of the person who made or financed the expenditure for the communication and must state whether a candidate has or has not authorized the communication. § 1014(1), (2) & (2-A).
- *top three funders*: independent expenditure communications must contain the top three funders of the organization that paid for the communication. Independent expenditures are paid communications to voters advocating for or

against candidates that are paid for by organizations acting on their own without any consultation a candidate. § 1014(2-B)

For the Commission's reference, the staff has attached a one-page list of examples of disclosure statements that satisfy § 1014(1)-(2-B).

In January 2016, in response to a 2015 citizen initiative, the Commission adopted Chapter 1, § 7(12) of the Commission's rules that provided guidance on the size and placement of the top three funder disclosure statement in independent expenditure communications. The Commission staff proposes expanding the scope of § 7(12) to cover all types of disclosure statements required by § 1014, including the new disclosure statement required for communications containing misleading images or audio of a candidate.

P.L. 2025, Chapter 600

Chapter 600 is a law proposed by the Commission after hearing the recommendations of a working group convened by the Commission to reduce the burden of campaign finance reporting requirements for candidates, PACs, and others in the two weeks before an election. The Legislature adopted most of the provisions in the Commission's bill.

One of the changes made by the Legislature was to increase the spending threshold that requires the filing of an independent expenditure report with the Commission. As noted above, independent expenditures are the costs of communications to voters advocating for or against candidates that are paid for by organizations acting on their own without any consultation with a candidate. Most often, independent expenditure communications are made by PACs and party committees.

The new law increased the threshold from spending \$250 per candidate to spending \$1,000 per candidate. The Commission staff proposes amendments to Chapter 1, § 10 of the Commission rules to reflect the higher threshold.

For the Commission’s information, Chapter 600 also made these changes to reporting requirements during the last 13 days before an election:

- when candidates receive large contributions or make large expenditures in the last 13 days before an election, candidates will now have one extra day to file an accelerated report of the transaction (from a 24-hour deadline to 48 hours)
- the contribution and expenditure thresholds that require a 24-Hour Report or 48-Hour Report are increased as follows:

	Old Threshold	New Threshold
PACs/BQCs (must report within 24 hours)		
Receiving a contribution	\$5,000 or more	\$10,000 or more
Making an expenditure or incurring a debt	\$1,000 or more	\$2,500 or more
Party Committees (must report within 24 hours)		
Receiving a contribution	\$5,000 or more	\$10,000 or more
Making an expenditure or incurring a debt	\$1,000 or more	\$2,500 or more
Candidates (must report within 48 hours)		
Receiving a contribution (due to contribution limits, contributions above the new thresholds may be made only by the candidate or their spouse/domestic partner)	\$1,000 or more	\$10,000 Governor \$5,000 Senate \$2,500 County \$1,500 House \$1,500 Municipal
Making an expenditure or incurring an unpaid debt	\$1,000 or more	\$10,000 Governor \$5,000 Senate \$2,500 County \$1,500 House \$1,500 Municipal

94-270 COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Chapter 1: PROCEDURES

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SECTION 7. EXPENDITURES

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12. **Disclosure of top funders statements in paid public communications.** ~~If an entity makes an independent expenditure in excess of \$250 to influence a candidate's election, the public communication is required to contain the entity's top three funders under 21-A M.R.S. § 1014(2-B).~~ Disclosure statements required by 21-A M.R.S. § 1014 must meet the following placement, duration and content requirements, as applicable.

A. Placement must be clear and conspicuous. Disclosure statements must be clear and conspicuous. A statement is not clear and conspicuous if it is difficult to read or hear, or if its placement is easily overlooked.

B. Television communications. ~~The D~~Disclosure statements ~~included~~ in a public communication made through cable, satellite, or broadcast television must conform with those portions of federal regulations 47 CFR § 73.1212(a)(2)(ii) and 47 CFR § 76.1615(a) which regulate text size and duration of sponsorship information. Specifically

- (1) the font size must be equal to or greater than four percent of the vertical picture height, and
- (2) the text must appear for not less than four seconds.

C. Other visual communications. For public communications ~~listed in 21-A M.R.S. § 1014(2-B)~~ with a visual aspect other than television or video communications, the disclosure statement ~~of funders~~ must appear in a font size that is 12-point or larger.

D~~C~~. Disclosure of top three funders in independent expenditure communications. If an entity makes an independent expenditure in excess of \$250-\$1,000 per candidate to influence a candidate's election, the public communication is required to contain the entity's top three funders under 21-A M.R.S. -§ 1014(2-B).

- (1) If the public communication is funded by a political action committee that is a separate or segregated fund as defined in 21-A M.R.S. -§ 1052(5)(A)(1), but not a separate legal entity, the top three funders to be listed are the top three funders of the legal entity (corporation, membership organization, cooperative or labor or other organization) that established the fund.
- (2)~~D~~ If the public communication is funded by a political action committee that is fully funded or controlled by another political action committee or legal entity, the top three funders to be listed are the top three

funders of that entity that fully funds or controls the political action committee.

(3E) For any other political action committee that does not fall within the parameters of paragraphs C or D, the top three funders are the contributors who have given the top three aggregate contributions, as defined in 21-A M.R.S. § 1052(3), during the time period specified in 21-A M.R.S. § 1014(2-B)(A).

(4) Public communications for which including the statement required by 21-A M.R.S. § 1014(2-B) would be impossible or impose an unusual hardship due to their format or medium are exempt from the requirements of that section.

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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~~\$1,000 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.
 - C. "Independent expenditure" has the same meaning as in 21-A M.R.S. § 1019-B. Any expenditure made by any person in cooperation, consultation or concert

with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.

3. **Reporting Schedules.** Independent expenditures in excess of ~~\$250~~\$1,000 per candidate per election made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following schedule:

A. *[Repealed]*

B. *[Repealed]*

- (1) **60-Day Pre-Election Report.** A report must be filed by 11:59 p.m. on the 60th day before the election is held and be complete as of the 61st day before the election.
- (2) **Two-Day Report.** From the 60th day through the 14th day before an election, a report must be filed within two calendar days of the expenditure.
- (3) **One-Day Report.** After the 14th day before an election, a report must be filed within one calendar day of the expenditure.

For purposes of the filing deadlines in this paragraph, if the expenditure relates to a legislative or gubernatorial election and the filing deadline occurs on a weekend, holiday, or state government shutdown day, the report must be filed on the deadline. If the expenditure relates to a county or municipal election, the report may be filed on the next regular business day.

- C. Reports must contain information as required by 21-A M.R.S. §§ 1016-1017-A, and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
- D. A separate 24-Hour Report is not required for expenditures reported in an independent expenditure report.

4. **Multi-Candidate Expenditures.** When a person or organization is required to report an independent expenditure for a public communication that supports multiple candidates, the cost should be allocated among the candidates in rough proportion to the benefit received by each candidate.

- A. The allocation should be in rough proportion to the number of voters who will receive the communication and who are in electoral districts of candidates named or depicted in the public communication. If the approximate number of voters in each district who will receive the public communication cannot be determined, the cost may be divided evenly among the districts in which voters are likely to receive the communication.

[NOTE: FOR EXAMPLE, IF CAMPAIGN LITERATURE NAMING SENATE CANDIDATE X AND HOUSE CANDIDATES Y AND Z ARE MAILED TO 10,000 VOTERS IN X'S DISTRICT AND 4,000 OF THOSE VOTERS RESIDE IN Y'S DISTRICT AND 6,000 OF THOSE VOTERS LIVE IN Z'S DISTRICT,

THE ALLOCATION OF THE EXPENDITURE SHOULD BE REPORTED AS:
50% FOR X, 20% FOR Y, and 30% FOR Z.]

- B. If multiple county or legislative candidates are named or depicted in a public communication, but voters in some of the candidates' electoral districts will not receive the public communication, those candidates should not be included in the allocation.

[NOTE: FOR EXAMPLE, IF AN EXPENDITURE ON A LEGISLATIVE SCORECARD THAT NAMES 150 LEGISLATORS IS DISTRIBUTED TO VOTERS WITHIN A TOWN IN WHICH ONLY ONE LEGISLATOR IS SEEKING RE-ELECTION, 100% OF THE COST SHOULD BE ALLOCATED TO THAT LEGISLATOR'S RACE.]

5. **Requests for an Independent Expenditure Determination.** Under 21-A M.R.S. § 1019-B(1)(B), an expenditure made to design, produce or disseminate a public communication that names or depicts a clearly identified candidate and that is disseminated during the 28 days before a primary election, the 35 days before a special election or from Labor Day to the general election is an independent expenditure, unless the person making the expenditure demonstrates to the Commission that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of the candidate.

- A. The following types of public communications may be covered by 21-A M.R.S. § 1019-B(1)(B):

- (1) Advertisements in newspapers and other print media;
- (2) Broadcast, cable, or satellite advertisements;
- (3) Direct mail, handbills, and other printed literature;
- (4) Prerecorded automated telephone messages;
- (5) Communications placed or promoted for a fee on another person's website, digital device, application or advertising platform in order to increase the circulation, prominence or availability of the communication on that website, digital device, application or advertising platform; and
- (6) Other types of general public political advertising.

- B. The following types of public communications and activities are not covered by 21-A M.R.S. § 1019-B(1)(B):

- (1) news stories and editorials, unless the facilities distributing the public communication are owned or controlled by the candidate, the candidate's immediate family, or a political committee;
- (2) activity or public communications designed to encourage individuals to register to vote or to vote if that activity or communication does not name or depict a clearly identified candidate;

- (3) any public communication from a membership organization to its members or from a corporation to its stockholders if the organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person for state or county office;
 - (4) the use of offices, telephones, computers, or similar equipment when that use does not result in additional cost to the provider; and
 - (5) other public communications and activities that are excluded from the legal definition of “expenditure” in the Election Law.
- C. If an expenditure is covered by 21-A M.R.S. § 1019-B(1)(B) and is greater than ~~\$250~~\$1,000 per candidate per election, the person making the expenditure must file an independent expenditure report or request a determination by the Commission that the cost of the public communication is not an independent expenditure. The person may make the request by submitting a signed written statement that the expenditure did not have a purpose of, and will not have an effect of, influencing the nomination, election or defeat of a candidate. The filing of independent expenditure reports should be made in accordance with the filing schedule in subsection 3(B) of this rule. Any independent expenditure of ~~\$250~~\$1,000 or less per candidate per election does not require the filing of an independent expenditure report or a rebuttal statement.
- D. If a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the applicable date of dissemination for purposes of 21-A M.R.S. § 1019-B(1)(B) is the date on which the public communication is disseminated directly to voters, rather than the date on which the committee or association distributes the literature to its affiliates or members.
- E. For the purposes of determining whether a public communication is covered by 21-A M.R.S. § 1019-B(1)(B), the date of dissemination is the date of the postmark, hand-delivery, or broadcast of the communication.
- F. An organization that has been supplied printed public communications covered by 21-A M.R.S. 1019-B(1)(B) and that distributes them to voters must report both its own distribution costs and the value of the materials it has distributed, unless the organization supplying the public communications has already reported the costs of the materials to the Commission. If the actual costs of the public communications cannot be determined, the organization distributing the public communication to voters must report the estimated fair market value.
- G. Persons requesting a determination that no independent expenditure report is required are encouraged to submit their requests early, if possible before making the expenditure for the public communication. The request must include the complete public communication and be specific as to when and to whom the public communication will be disseminated.
- H. The Commission’s Director shall make an initial determination by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate

in accordance with 21-A M.R.S. § 1019-B(2). Any person may appeal the Director's determination to the Commission within two days of their receipt of the determination or the posting of the determination to the Commission's website, whichever is earlier.

- I. If the Director or Commission determines that an independent expenditure report was required and the report is not filed by the deadline in subsection 3(B), the late-filing penalty in 21-A M.R.S. § 1020-A shall apply. The late filer may pay the penalty or request a waiver. In the alternative, the Director or Commission may, for good cause, extend the deadline to file the report for a short period after the determination sufficient for the person to file the report without delay. If the report is filed within the extension period, the report will be considered on time.

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- 12. Disclosure statements in paid public communications.** Disclosure statements required by 21-A M.R.S. § 1014 must meet the following placement, duration and content requirements, as applicable.
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 - B. **Television communications.** Disclosure statements in a public communication made through cable, satellite, or broadcast television must conform with those portions of federal regulations 47 CFR § 73.1212(a)(2)(ii) and 47 CFR § 76.1615(a) which regulate text size and duration of sponsorship information. Specifically
 - (1) the font size must be equal to or greater than four percent of the vertical picture height, and
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 - C. **Other visual communications.** For public communications with a visual aspect other than television or video communications, the disclosure statement must appear in a font size that is 12-point or larger.
 - D. **Disclosure of top three funders in independent expenditure communications.** If an entity makes an independent expenditure in excess of \$1,000 per candidate to influence a candidate's election, the public communication is required to contain the entity's top three funders under 21-A M.R.S. § 1014(2-B).
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 - (2) If the public communication is funded by a political action committee that is fully funded or controlled by another political action committee or legal entity, the top three funders to be listed are the top three funders of that entity that fully funds or controls the political action committee.

- (3) For any other political action committee that does not fall within the parameters of paragraphs C or D, the top three funders are the contributors who have given the top three aggregate contributions, as defined in 21-A M.R.S. § 1052(3), during the time period specified in 21-A M.R.S. § 1014(2-B)(A).
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A. *[Repealed]*

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- C. Reports must contain information as required by 21-A M.R.S. §§ 1016-1017-A, and must clearly identify the candidate and indicate whether the expenditure was made in support of or in opposition to the candidate.
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- B. If multiple county or legislative candidates are named or depicted in a public communication, but voters in some of the candidates' electoral districts will not receive the public communication, those candidates should not be included in the allocation.

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- 5. **Requests for an Independent Expenditure Determination.** Under 21-A M.R.S. § 1019-B(1)(B), an expenditure made to design, produce or disseminate a public communication that names or depicts a clearly identified candidate and that is disseminated during the 28 days before a primary election, the 35 days before a special election or from Labor Day to the general election is an independent expenditure, unless the person making the expenditure demonstrates to the Commission that the expenditure did not have a purpose or effect of influencing the nomination, election or defeat of the candidate.

- A. The following types of public communications may be covered by 21-A M.R.S. § 1019-B(1)(B):
 - (1) Advertisements in newspapers and other print media;
 - (2) Broadcast, cable, or satellite advertisements;
 - (3) Direct mail, handbills, and other printed literature;
 - (4) Prerecorded automated telephone messages;
 - (5) Communications placed or promoted for a fee on another person's website, digital device, application or advertising platform in order to increase the circulation, prominence or availability of the communication on that website, digital device, application or advertising platform; and
 - (6) Other types of general public political advertising.
- B. The following types of public communications and activities are not covered by 21-A M.R.S. § 1019-B(1)(B):
 - (1) news stories and editorials, unless the facilities distributing the public communication are owned or controlled by the candidate, the candidate's immediate family, or a political committee;
 - (2) activity or public communications designed to encourage individuals to register to vote or to vote if that activity or communication does not name or depict a clearly identified candidate;
 - (3) any public communication from a membership organization to its members or from a corporation to its stockholders if the organization or

corporation is not organized primarily for the purpose of influencing the nomination or election of any person for state or county office;

- (4) the use of offices, telephones, computers, or similar equipment when that use does not result in additional cost to the provider; and
 - (5) other public communications and activities that are excluded from the legal definition of “expenditure” in the Election Law.
- C. If an expenditure is covered by 21-A M.R.S. § 1019-B(1)(B) and is greater than \$1,000 per candidate per election, the person making the expenditure must file an independent expenditure report or request a determination by the Commission that the cost of the public communication is not an independent expenditure. The person may make the request by submitting a signed written statement that the expenditure did not have a purpose of, and will not have an effect of, influencing the nomination, election or defeat of a candidate. The filing of independent expenditure reports should be made in accordance with the filing schedule in subsection 3(B) of this rule. Any independent expenditure of \$1,000 or less per candidate per election does not require the filing of an independent expenditure report or a rebuttal statement.
- D. If a committee or association distributes copies of printed literature to its affiliates or members, and the affiliates or members distribute the literature directly to voters, the applicable date of dissemination for purposes of 21-A M.R.S. § 1019-B(1)(B) is the date on which the public communication is disseminated directly to voters, rather than the date on which the committee or association distributes the literature to its affiliates or members.
- E. For the purposes of determining whether a public communication is covered by 21-A M.R.S. § 1019-B(1)(B), the date of dissemination is the date of the postmark, hand-delivery, or broadcast of the communication.
- F. An organization that has been supplied printed public communications covered by 21-A M.R.S. 1019-B(1)(B) and that distributes them to voters must report both its own distribution costs and the value of the materials it has distributed, unless the organization supplying the public communications has already reported the costs of the materials to the Commission. If the actual costs of the public communications cannot be determined, the organization distributing the public communication to voters must report the estimated fair market value.
- G. Persons requesting a determination that no independent expenditure report is required are encouraged to submit their requests early, if possible before making the expenditure for the public communication. The request must include the complete public communication and be specific as to when and to whom the public communication will be disseminated.
- H. The Commission’s Director shall make an initial determination by a preponderance of the evidence whether the cost was incurred with a purpose of, or had the effect of, influencing the nomination, election or defeat of a candidate in accordance with 21-A M.R.S. § 1019-B(2). Any person may appeal the Director’s determination to the Commission within two days of their receipt of

the determination or the posting of the determination to the Commission's website, whichever is earlier.

- I. If the Director or Commission determines that an independent expenditure report was required and the report is not filed by the deadline in subsection 3(B), the late-filing penalty in 21-A M.R.S. § 1020-A shall apply. The late filer may pay the penalty or request a waiver. In the alternative, the Director or Commission may, for good cause, extend the deadline to file the report for a short period after the determination sufficient for the person to file the report without delay. If the report is filed within the extension period, the report will be considered on time.

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 335 - L.D. 517

An Act Regarding Synthetic Media in Campaign Advertising

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

Sec. 1. 21-A MRSA §1014, sub-§3, as amended by PL 2025, c. 224, §7, is further amended to read:

3. Broadcasting prohibited without disclosure. A 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 the each disclosure required by this section.

Sec. 2. 21-A MRSA §1014, sub-§3-B, as amended by PL 2025, c. 224, §7, is further amended to read:

3-B. Newspapers. A 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 the 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.

Sec. 3. 21-A MRSA §1014, sub-§4, as amended by PL 2025, c. 224, §7, is further amended to read:

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.

Sec. 4. 21-A MRSA §1014, sub-§5-C is enacted to read:

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.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
S.P. 814 - L.D. 2000

An Act to Update the Campaign Finance Laws

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the changes in this legislation may directly impact statewide campaigns during the 2026 election; and

Whereas, it is necessary to amend the requirements of certain campaign finance laws as soon as possible to avoid undue burdens and confusion; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 21-A MRSA §1017, sub-§2, ¶D, as amended by PL 2019, c. 323, §7, is further amended to read:

D. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution of ~~\$1,000~~ \$10,000 or more received or any single expenditure of ~~\$1,000~~ \$10,000 or more made after the 14th day before the election and more than ~~24~~ 48 hours before 11:59 p.m. on the day of the election must be reported within ~~24~~ 48 hours of that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 2. 21-A MRSA §1017, sub-§3-A, ¶C, as amended by PL 2019, c. 323, §8, is repealed and the following enacted in its place:

C. If the candidate has an opponent who is on the ballot or who is a declared write-in candidate, any single contribution received or any single expenditure made after the 14th day before any election and more than 48 hours before 11:59 p.m. on the day of any election that is equal to or greater than the following thresholds must be reported within 48 hours of that contribution or expenditure:

- (1) For a candidate for State Senator, \$5,000;
- (2) For a candidate for county office, \$2,500;
- (3) For a candidate for State Representative, \$1,500; and
- (4) For a candidate for municipal office, \$1,500.

The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 3. 21-A MRSA §1017-A, sub-§2, as amended by PL 2019, c. 323, §11, is repealed and the following enacted in its place:

2. Expenditures to influence campaign. A party committee shall report all expenditures made to influence a campaign, as defined in section 1052, subsection 1. For each expenditure, the party committee shall report:

- A. The candidate or ballot measure for which the expenditure was made;
- B. For a candidate, the office sought by the candidate and the district that the candidate seeks to represent;
- C. The date and amount of each expenditure;
- D. The purpose of each expenditure, including whether the expenditure was made to support or oppose the candidate or ballot measure; and
- E. The name and address of each payee.

Sec. 4. 21-A MRSA §1017-A, sub-§4-A, ¶E, as amended by PL 2019, c. 323, §12, is further amended to read:

E. If a state party committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of ~~\$5,000~~ \$10,000 or more received or any single expenditure of ~~\$1,000~~ \$2,500 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 5. 21-A MRSA §1017-A, sub-§4-B, ¶C, as amended by PL 2019, c. 323, §13, is further amended to read:

C. A committee shall report any single contribution of ~~\$5,000~~ \$10,000 or more received or any expenditure of ~~\$1,000~~ \$2,500 or more made after the 14th day before a general or special election and more than 24 hours before 11:59 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 6. 21-A MRSA §1019-B, sub-§4, as amended by IB 2023, c. 4, §3, is further amended to read:

4. Report required; content; rules. A person, party committee or political action committee that makes any independent expenditure in excess of ~~\$250~~ \$1,000 during any one candidate's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of the total contributions from each contributor, each expenditure in excess of ~~\$250~~ \$1,000 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of unsworn falsification, as provided in Title 17-A, section 453, a statement whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically.

Sec. 7. 21-A MRSA §1052, sub-§2-A, as enacted by PL 2021, c. 217, §3, is amended to read:

2-A. Ballot question committee. "Ballot question committee" means a person that receives contributions or makes expenditures aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign, other than a campaign for the nomination or election of a candidate. The term "ballot question committee" does not include a ~~political action committee or an exempt donor~~ party committee, an exempt donor or a political

action committee not required to register as a ballot question committee under section 1052-A, subsection 1-A, paragraph A.

Sec. 8. 21-A MRSA §1059, sub-§2, ¶E, as amended by PL 2019, c. 323, §24, is further amended to read:

E. If a committee is required to file a report 11 days before an election pursuant to paragraph B or C, the committee shall report any single contribution of ~~\$5,000~~ \$10,000 or more received or single expenditure of ~~\$1,000~~ \$2,500 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

Sec. 9. Qualifying period for Maine Clean Election Act in 2026. Notwithstanding the definition of "qualifying period" in the Maine Revised Statutes, Title 21-A, section 1122, subsection 8, for State Senate or State House of Representatives participating candidates who file with the Commission on Governmental Ethics and Election Practices a declaration of intent to seek certification as a Maine Clean Election Act candidate after January 15, 2026, the qualifying period ends at 5:00 p.m. on May 21, 2026.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

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.

47 CFR § 73.1212 Sponsorship identification; list retention; related requirements. [Effective June 9, 2026]

(a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce:

(1) That such matter is sponsored, paid for, or furnished, either in whole or in part, and

(2) By whom or on whose behalf such consideration was supplied: Provided, however, That “service or other valuable consideration” shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a broadcast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the broadcast.

(i) For the purposes of this section, the term “sponsored” shall be deemed to have the same meaning as “paid for.”

(ii) In the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section.

(c) In any case where a report has been made to a broadcast station as required by section 507 of the Communications Act of 1934, as amended, of circumstances which would have required an announcement under this section had the consideration been received by such broadcast station, an appropriate announcement shall be made by such station.

(d) In the case of any political broadcast matter or any broadcast matter involving the discussion of a controversial issue of public importance for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a station as an inducement for broadcasting such matter, an announcement shall be made both at the beginning and conclusion of such broadcast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such station in connection with the transmission of such broadcast matter: Provided, however, That in the case of any broadcast of 5 minutes’ duration or less, only one such announcement need be made either at the beginning or conclusion of the broadcast.

(e) The announcement required by this section shall, in addition to stating the fact that the broadcast matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are

furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified under § 73.3526. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under § 73.3526. Such lists shall be kept and made available for a period of two years.

(f) In the case of broadcast matter advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purpose of this section and only one such announcement need be made at any time during the course of the broadcast.

(g) The announcement otherwise required by section 317 of the Communications Act of 1934, as amended, is waived with respect to the broadcast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph, the licensee shall observe the following conditions:

(1) Maintain a list showing the name, address, and (where available) the telephone number of each advertiser;

(2) Make this list available to members of the public who have a legitimate interest in obtaining the information contained in the list. Such list must be retained for a period of two years after broadcast.

(h) Any announcement required by section 317(b) of the Communications Act of 1934, as amended, is waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

Note: The waiver heretofore granted by the Commission in its Report and Order adopted November 16, 1960 (FCC 60-1369; 40 F.C.C. 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654, the predecessor television rule, went into effect.

(i) Commission interpretations in connection with the provisions of the sponsorship identification rules are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 F.C.C. 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports.

(j)

(1)

(i) Where the material broadcast consistent with paragraph (a) or (d) of this section has been aired pursuant to the lease of time on the station and has been provided by a foreign governmental entity, the station, at the time of the broadcast, shall include the following disclosure:

The [following/preceding] programming was [sponsored, paid for, or furnished], either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country].

(ii) If the material broadcast contains a “conspicuous statement” pursuant to the Foreign Agents Registration Act of 1938 (FARA) (22 U.S.C. 614(b)), such conspicuous statement will suffice for purposes of this paragraph (j)(1) if the conspicuous statement also contains a disclosure about the foreign country associated with the individual/entity that has sponsored, paid for, or furnished the material being broadcast.

(2) The term “foreign governmental entity” shall include governments of foreign countries, foreign political parties, agents of foreign principals, and United States-based foreign media outlets.

(i) The term “government of a foreign country” has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e)).

(ii) The term “foreign political party” has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(f)).

(iii) The term “agent of a foreign principal” has the meaning given such term in the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(c)), and who is registered as such with the Department of Justice, and whose “foreign principal” is a “government of a foreign country,” a “foreign political party,” or directly or indirectly operated, supervised, directed, owned, controlled, financed, or subsidized by a “government of a foreign country” or a “foreign political party” as defined in paragraphs (j)(2)(i) and (ii) of this section, and that is acting in its capacity as an agent of such “foreign principal”.

(iv) The term “United States-based foreign media outlet” has the meaning given such term in section 722(a) of the Communications Act of 1934 (47 U.S.C. 624(a)).

(3) The licensee of each broadcast station shall exercise reasonable diligence to ascertain whether the foreign sponsorship disclosure requirements in paragraph (j)(1) of this section apply at the time of the lease agreement and at any renewal thereof, or apply within a one-year period if the lessee and the programming remain unchanged, including:

(i) Informing the lessee of the foreign sponsorship disclosure requirement in paragraph (j)(1) of this section;

(ii) Inquiring of the lessee whether the lessee falls into any of the categories in paragraph (j)(2) of this section that qualify the lessee as a foreign governmental entity;

(iii) Inquiring of the lessee whether the lessee knows if anyone involved in the production or distribution of the programming that will be aired pursuant to the lease agreement, or a sub-lease, qualifies as a foreign governmental entity and has provided some type of inducement to air the programming;

(iv) Memorializing that the licensee has complied with the requirements in paragraphs (j)(3)(i) through (iii) of this section and has sought to obtain a response from the lessee with the information needed to determine if a disclosure is necessary, and if one is necessary, the information needed to make the disclosure, either:

(A) By executing a written certification attesting to the licensee's compliance and by seeking a written certification from the lessee; or

(B) By complying with the information requirement contained in paragraph (j)(3)(i) of this section and by asking the lessee to provide screenshots of its searches of the Department of Justice's FARA website and the Commission's semi-annual U.S.-based foreign media outlets reports, in the event that lessee has stated it is neither a FARA agent nor a U.S.-based foreign media outlet, and asking lessee to provide other information needed to make such a determination (i.e., asking lessee whether it falls into the categories listed in paragraphs (j)(2)(i) and (ii) of this section that are not covered by the request for screenshots), and by making a record of the licensee's compliance efforts; and

(v) Retaining the documentation in the licensee's records for the remainder of the then-current license term or one year, whichever is longer, so as to respond to any future Commission inquiry.

(4) In the case of any video programming, the foreign governmental entity and the country represented shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

(5) At a minimum, the announcement required by paragraph (j)(1) of this section shall be made at both the beginning and conclusion of the programming. For programming of greater than sixty minutes in duration, an announcement shall be made at regular intervals during the broadcast, but no less frequently than once every sixty minutes.

(6) Where the primary language of the programming is other than English, the disclosure statement shall be made in the primary language of the programming. If the programming contains a "conspicuous statement" pursuant to the Foreign Agents Registration Act of 1938 (22 U.S.C. 614(b)), and such conspicuous statement is in a language other than English so as to conform to the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), an additional disclosure in English is not needed.

(7) A station shall place copies of the disclosures required by this paragraph (j) and the name of the program to which the disclosures were appended in its online public inspection file on a quarterly basis in a standalone folder marked as "Foreign Government-Provided Programming Disclosures." The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made,

its contents must be reduced to writing and placed in the online public inspection file in the same manner.

(8) A licensee of a broadcast station receiving a response from a lessee under paragraph (j)(3)(ii) of this section that identifies the lessee as a foreign adversary or foreign adversary country as defined in § 1.70001 of this chapter shall file with the Commission a copy of the disclosure provided by the lessee according to the procedure established under § 1.80003(m) of this chapter within 60 days, or 120 days for stations with five or fewer employees, of the licensee's receipt of the disclosure provided by the lessee. Compliance with this paragraph (j)(8) will not be required until after the completion of such review by the Office of Management and Budget as the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau deem necessary. The Commission will publish a document in the Federal Register announcing that compliance date and revising or removing this paragraph (j)(8) accordingly.

(9) The requirements contained in this paragraph (j) shall not apply to "uses" of broadcast stations by legally qualified candidates pursuant to 47 U.S.C. 315.

(k) Where any material delivered to foreign broadcast stations under an authorization pursuant to section 325(c) of the Communications Act (47 U.S.C. 325(c)) has been sponsored by a foreign governmental entity; paid for by a foreign governmental entity; furnished for free by a foreign governmental entity to the section 325(c) permit holder as an inducement to air the material on the foreign station; or provided by the section 325(c) permit holder to the foreign station where the section 325(c) permit holder is a foreign governmental entity, the material must include, at the time of broadcast, the following disclosure, in conformance with the terms of paragraphs (j)(4) through (6) of this section: "The [following/preceding] programming was [sponsored, paid for, or furnished], either in whole or in part, by [name of foreign governmental entity] on behalf of [name of foreign country]." A section 325(c) permit holder shall ensure that the foreign station will broadcast the disclosures along with the material and shall place copies of the disclosures required along with the name of the program to which the disclosures were appended in the International Communications Electronic Filing System (ICFS) under the relevant ICFS section 325(c) permit file. The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the ICFS in the same manner. The section 325(c) permit holder shall exercise reasonable diligence to ascertain whether the foreign sponsorship disclosure requirements of paragraphs (j)(1) and (4) through (6) of this section apply to any material delivered to a foreign broadcast station, including obtaining from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, and in the same manner prescribed for broadcast stations in paragraph (j)(3) of this section, information to enable the permit holder to include the announcement required by this section; memorializing its conduct of such reasonable diligence; and retaining such documentation in its records for either the remainder of the then-current permit term or one year, whichever is longer, so as to respond to any future Commission inquiry. The term foreign governmental entity shall have the meaning set forth in paragraph (j)(2) of this section.

Statutory Authority

Authority Note Applicable to 47 CFR Ch. I, Subch. C, Pt. 73

History

[40 FR 18400, April 28, 1975, as amended at 46 FR 13907, Feb. 24, 1981; 49 FR 4211, Feb. 3, 1984; 49 FR 33663, Aug. 24, 1984; 50 FR 32417, Aug. 12, 1985; 57 FR 8279, March 9, 1992; 77 FR 27631, 27655, May 11, 2012; 77 FR 39439, July 3, 2012; 86 FR 32221, 32238, June 17, 2021; 87 FR 14406, Mar. 15, 2022; 87 FR 14404, 14406, Mar. 15, 2022; 88 FR 21424, 21447, Apr. 10, 2023; 89 FR 57775, 57792, July 16, 2024; 89 FR 57775, 57793, July 16, 2024; 90 FR 24351, June 10, 2025; 91 FR 18670, 18701, Apr. 10, 2026]

Annotations

Notes

[EFFECTIVE DATE NOTE:

77 FR 27631 , 27655, May 11, 2012, revised paragraph (e), and 77 FR 39439, July 3, 2012, provides paragraph (e) is effective Aug. 2, 2012; 86 FR 32221, 32238, June 17, 2021, amended this section, effective Jul. 19, 2021; 87 FR 14404, Mar. 15, 2022, provides: “Compliance with 47 CFR 73.1212(j) and (k), published at 86 FR 32221 on June 17, 2021, is required as of March 15, 2022.”; 87 FR 14404, 14406, Mar. 15, 2022, removed paragraph (l), effective Mar. 15, 2022; 88 FR 21424, 21447, Apr. 10, 2023, amended this section, effective Apr. 10, 2023; 89 FR 57775, 57792, July 16, 2024, added paragraph (j)(8) and revised paragraph (k), effective Aug. 15, 2024; 89 FR 57775, 57793, July 16, 2024, which revised paragraphs (j)(3) introductory text and (j)(3)(iv) and (v) is delayed. The agency will publish a document in the Federal Register announcing the effective date; 90 FR 24351, June 10, 2025, provides that 89 FR 57775 is effective June 10, 2025; 91 FR 18670, 18701, Apr. 10, 2026, amended this section, effective June 9, 2026.]

Notes to Decisions

**Business & Corporate Law: Corporations: Governing Documents & Procedures:
Records & Inspection Rights: Recordkeeping**

Business & Corporate Law: Unincorporated Associations

**Communications Law: Broadcasting: Licensing: Allocation Methods: General
Overview**

Communications Law: Broadcasting: Political Broadcasting

Communications Law: Broadcasting: Sponsorship Identifications

Communications Law: Federal Acts: General Overview

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Business & Corporate Law: Corporations: Governing Documents & Procedures: Records & Inspection Rights: Recordkeeping

McConnell v. FEC, 540 U.S. 93, 124 S. Ct. 619, 157 L. Ed. 2d 491, 17 Fla. L. Weekly Fed. S 13, 2003 Cal. Daily Op. Service 10567, 2003 U.S. LEXIS 9195 (2003), overruled in part, Citizens United v. FEC, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753, 22 Fla. L. Weekly Fed. S. 73, 187 L.R.R.M. (BNA) 2961, 159 Lab. Cas. (CCH) ¶ 10166, 2010 U.S. LEXIS 766 (2010).

McConnell v. FEC, 540 U.S. 93, 124 S. Ct. 619, 157 L. Ed. 2d 491, 17 Fla. L. Weekly Fed. S 13, 2003 Cal. Daily Op. Service 10567, 2003 U.S. LEXIS 9195 (2003), overruled in part, Citizens United v. FEC, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753, 22 Fla. L. Weekly Fed. S. 73, 187 L.R.R.M. (BNA) 2961, 159 Lab. Cas. (CCH) ¶ 10166, 2010 U.S. LEXIS 766 (2010).

Overview: *Restrictions on soft money contributions to political campaigns and on issue advertising did not facially violate the First Amendment; recordkeeping requirements concerning political advertising also were valid.*

- The United States Supreme Court cannot say that the requirements of 47 U.S.C.S. § 315(e) will impose disproportionate administrative burdens. They ask the broadcaster to keep information about the disposition of the request, and information identifying the individual or company requesting the broadcast time (name, address, contact information, or, if the requester is not an individual, the names of company officials). 47 U.S.C.S. § 315(e)(2). Insofar as the “request” is made by a candidate’s “supporters,” the “candidate request” regulation apparently already requires broadcasters to keep such records. 43 Fed. Reg. 32794 (1978). Regardless, the information should prove readily available, for the individual requesting a broadcast must provide it to the broadcaster should the broadcaster accept the request. 47 C.F.R. § 73.1212(e) (2002). And the recordkeeping requirements do not reach significantly beyond other Federal Communications Commission recordkeeping rules, for example, those requiring broadcasting licensees to keep material showing compliance with their license-related promises to broadcast material on issues of public importance. Go To Headnote

Business & Corporate Law: Unincorporated Associations

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

Overview: *The duty of reasonable diligence in sponsorship identification that the Communications Act of 1934 imposed upon licensees did not require them to conduct investigations to identify the real party in interest behind political advertisements.*

- Title 47 C.F.R. § 73.1212(e) (1980) provides in part that the announcement required by this section shall, in addition to stating the fact that the broadcast matter is sponsored, paid for, or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association, or other unincorporated group, or other entity by

whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Go To Headnote

Communications Law: Broadcasting: Licensing: Allocation Methods: General Overview

McConnell v. FEC, 540 U.S. 93, 124 S. Ct. 619, 157 L. Ed. 2d 491, 17 Fla. L. Weekly Fed. S 13, 2003 Cal. Daily Op. Service 10567, 2003 U.S. LEXIS 9195 (2003), overruled in part, Citizens United v. FEC, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753, 22 Fla. L. Weekly Fed. S. 73, 187 L.R.R.M. (BNA) 2961, 159 Lab. Cas. (CCH) ¶ 10166, 2010 U.S. LEXIS 766 (2010).

McConnell v. FEC, 540 U.S. 93, 124 S. Ct. 619, 157 L. Ed. 2d 491, 17 Fla. L. Weekly Fed. S 13, 2003 Cal. Daily Op. Service 10567, 2003 U.S. LEXIS 9195 (2003), overruled in part, Citizens United v. FEC, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753, 22 Fla. L. Weekly Fed. S. 73, 187 L.R.R.M. (BNA) 2961, 159 Lab. Cas. (CCH) ¶ 10166, 2010 U.S. LEXIS 766 (2010).

Overview: *Restrictions on soft money contributions to political campaigns and on issue advertising did not facially violate the First Amendment; recordkeeping requirements concerning political advertising also were valid.*

- The United States Supreme Court cannot say that the requirements of 47 U.S.C.S. § 315(e) will impose disproportionate administrative burdens. They ask the broadcaster to keep information about the disposition of the request, and information identifying the individual or company requesting the broadcast time (name, address, contact information, or, if the requester is not an individual, the names of company officials). 47 U.S.C.S. § 315(e)(2). Insofar as the “request” is made by a candidate’s “supporters,” the “candidate request” regulation apparently already requires broadcasters to keep such records. 43 Fed. Reg. 32794 (1978). Regardless, the information should prove readily available, for the individual requesting a broadcast must provide it to the broadcaster should the broadcaster accept the request. 47 C.F.R. § 73.1212(e) (2002). And the recordkeeping requirements do not reach significantly beyond other Federal Communications Commission recordkeeping rules, for example, those requiring broadcasting licensees to keep material showing compliance with their license-related promises to broadcast material on issues of public importance. Go To Headnote

Communications Law: Broadcasting: Political Broadcasting

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

Overview: *The duty of reasonable diligence in sponsorship identification that the Communications Act of 1934 imposed upon licensees did not require them to conduct investigations to identify the real party in interest behind political advertisements.*

- The Communications Act of 1934, 47 U.S.C.S. § 317, and the regulations of the Federal Communications Commission, 47 C.F.R. § 73.1212 (1981), require licensed broadcast stations to identify the sponsors of paid political advertisements at the time those advertisements are broadcast. The licensee is under a duty, moreover, to make a reasonably diligent inquiry to learn, so as to identify, the true sponsor of the advertisements when the licensee has reason to think that it is someone other than the apparent sponsor. 47 U.S.C.S. § 317(c). Go To Headnote

Communications Law: Broadcasting: Sponsorship Identifications

McConnell v. FEC, 540 U.S. 93, 124 S. Ct. 619, 157 L. Ed. 2d 491, 17 Fla. L. Weekly Fed. S 13, 2003 Cal. Daily Op. Service 10567, 2003 U.S. LEXIS 9195 (2003), overruled in part, Citizens United v. FEC, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753, 22 Fla. L. Weekly Fed. S. 73, 187 L.R.R.M. (BNA) 2961, 159 Lab. Cas. (CCH) ¶ 10166, 2010 U.S. LEXIS 766 (2010).

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Overview: *Restrictions on soft money contributions to political campaigns and on issue advertising did not facially violate the First Amendment; recordkeeping requirements concerning political advertising also were valid.*

- The United States Supreme Court cannot say that the requirements of 47 U.S.C.S. § 315(e) will impose disproportionate administrative burdens. They ask the broadcaster to keep information about the disposition of the request, and information identifying the individual or company requesting the broadcast time (name, address, contact information, or, if the requester is not an individual, the names of company officials). 47 U.S.C.S. § 315(e)(2). Insofar as the “request” is made by a candidate’s “supporters,” the “candidate request” regulation apparently already requires broadcasters to keep such records. 43 Fed. Reg. 32794 (1978). Regardless, the information should prove readily available, for the individual requesting a broadcast must provide it to the broadcaster should the broadcaster accept the request. 47 C.F.R. § 73.1212(e) (2002). And the recordkeeping requirements do not reach significantly beyond other Federal Communications Commission recordkeeping rules, for example, those requiring broadcasting licensees to keep material showing compliance with their license-related promises to broadcast material on issues of public importance. Go To Headnote

Yes for Life PAC v. Webster, 84 F. Supp. 2d 150, 2000 U.S. Dist. LEXIS 2158 (D. Me. 2000).

Overview: *It was unconstitutional for the State to require political action committee (PAC) broadcasters to issue an overbroad statement where the state had no legitimate interest, and PAC broadcasters would suffer irreparable injury.*

- A political broadcast must identify the entity paying for the broadcast. 47 C.F.R. § 73.1212(e) (1998). Go To Headnote

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

Overview: *The duty of reasonable diligence in sponsorship identification that the Communications Act of 1934 imposed upon licensees did not require them to conduct investigations to identify the real party in interest behind political advertisements.*

- 47 C.F.R. § 73.1212(a), (b) (1980), provide in pertinent part that (a) when a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce (1) that such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) by whom or on whose behalf such consideration is supplied.(b) The licensee of each broadcast station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any matter for broadcast, information to enable such licensee to make the announcement required by this section. Go To Headnote
- Title 47 C.F.R. § 73.1212(e) (1980) provides in part that the announcement required by this section shall, in addition to stating the fact that the broadcast matter is sponsored, paid for, or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association, or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (d) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the station, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Go To Headnote
- Title 47 C.F.R. § 73.1212(e) (1980) provides in part that where the material broadcast is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the broadcast matter, the station shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the location specified by the licensee under 47 C.F.R. § 73.3526. If the broadcast is originated by a network, the list may, instead, be retained at the headquarters office of the network or at the location where the originating station maintains its public inspection file under 47 C.F.R. § 73.3526. Such lists shall be kept and made available for a period of two years. Go To Headnote

Communications Law: Federal Acts: General Overview

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

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Overview: *The duty of reasonable diligence in sponsorship identification that the Communications Act of 1934 imposed upon licensees did not require them to conduct investigations to identify the real party in interest behind political advertisements.*

- The Communications Act of 1934, 47 U.S.C.S. § 317, and the regulations of the Federal Communications Commission, 47 C.F.R. § 73.1212 (1981), require licensed broadcast stations to identify the sponsors of paid political advertisements at the time those advertisements are broadcast. The licensee is under a duty, moreover, to make a reasonably diligent inquiry to learn, so as to identify, the true sponsor of the advertisements when the licensee has reason to think that it is someone other than the apparent sponsor. 47 U.S.C.S. § 317(c). [Go To Headnote](#)

Communications Law: U.S. Federal Communications Commission: General Overview

Loveday v. FCC, 707 F.2d 1443, 228 U.S. App. D.C. 38, 9 Media L. Rep. (BNA) 1673, Util. L. Rep. (CCH) ¶ 12711, 1983 U.S. App. LEXIS 28128 (D.C. Cir.), cert. denied, 464 U.S. 1008, 104 S. Ct. 525, 78 L. Ed. 2d 709, 1983 U.S. LEXIS 2637 (1983).

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Overview: *The duty of reasonable diligence in sponsorship identification that the Communications Act of 1934 imposed upon licensees did not require them to conduct investigations to identify the real party in interest behind political advertisements.*

- The Communications Act of 1934, 47 U.S.C.S. § 317, and the regulations of the Federal Communications Commission, 47 C.F.R. § 73.1212 (1981), require licensed broadcast stations to identify the sponsors of paid political advertisements at the time those advertisements are broadcast. The licensee is under a duty, moreover, to make a reasonably diligent inquiry to learn, so as to identify, the true sponsor of the advertisements when the licensee has reason to think that it is someone other than the apparent sponsor. 47 U.S.C.S. § 317(c). [Go To Headnote](#)

Research References & Practice Aids

Hierarchy Notes:

47 CFR Ch. I

47 CFR Ch. I, Subch. C, Pt. 73

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47 CFR § 76.1615 Sponsorship identification.

(a) When a cable television system operator engaged in origination cablecasting presents any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such cable television system operator, the cable television system operator, at the time of the cablecast, shall announce that such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: Provided, however, that “service or other valuable consideration” shall not include any service or property furnished either without or at a nominal charge for use on, or in connection with, a cablecast unless it is so furnished in consideration for an identification of any person, product, service, trademark, or brand name beyond an identification reasonably related to the use of such service or property on the cablecast. For the purposes of this section, the term “sponsored” shall be deemed to have the same meaning as “paid for.” In the case of any political advertisement cablecast under this paragraph that concerns candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical picture height that air for not less than four (4) seconds.

(b) Each cable television system operator engaged in origination cablecasting shall exercise reasonable diligence to obtain from employees, and from other persons with whom the system operator deals directly in connection with any matter for cablecasting, information to enable such system operator to make the announcement required by this section.

(c) In the case of any political origination cablecast matter or any origination cablecast matter involving the discussion of public controversial issues for which any film, record, transcription, talent, script, or other material or service of any kind is furnished, either directly or indirectly, to a cable television system operator as an inducement for cablecasting such matter, an announcement shall be made both at the beginning and conclusion of such cablecast on which such material or service is used that such film, record, transcription, talent, script, or other material or service has been furnished to such cable television system operator in connection with the transmission of such cablecast matter: Provided, however, that in the case of any cablecast of 5 minutes’ duration or less, only one such announcement need be made either at the beginning or conclusion of the cablecast.

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a cable television system operator on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system operator, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent.

(e) In the case of an origination cablecast advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product, when it is clear that the mention of the name of the product constitutes a sponsorship identification, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the cablecast.

(f) The announcement otherwise required by this section is waived with respect to the origination cablecast of "want ad" or classified advertisements sponsored by an individual. The waiver granted in this paragraph shall not extend to a classified advertisement or want ad sponsorship by any form of business enterprise, corporate or otherwise.

(g) The announcements required by this section are waived with respect to feature motion picture film produced initially and primarily for theatre exhibition.

Note to § 76.1615(g): The waiver heretofore granted by the Commission in its Report and Order, adopted November 16, 1960 (FCC 60-1369; 40 FCC 95), continues to apply to programs filmed or recorded on or before June 20, 1963, when § 73.654(e) of this chapter, the predecessor television rule, went into effect.

(h) Commission interpretations in connection with the provisions of the sponsorship identification rules for the broadcasting services are contained in the Commission's Public Notice, entitled "Applicability of Sponsorship Identification Rules," dated May 6, 1963 (40 FCC 141), as modified by Public Notice, dated April 21, 1975 (FCC 75-418). Further interpretations are printed in full in various volumes of the Federal Communications Commission Reports. The interpretations made for the broadcasting services are equally applicable to origination cablecasting.

Statutory Authority

Authority Note Applicable to 47 CFR Ch. I, Subch. C, Pt. 76

History

[65 FR 53610, 53619, Sept. 5, 2000]

Annotations

Notes

[EFFECTIVE DATE NOTE:

65 FR 53610, 53619, Sept. 5, 2000, added Subpart T, effective Oct. 5, 2000.]

Research References & Practice Aids

Hierarchy Notes:

47 CFR Ch. I

47 CFR Ch. I, Subch. C, Pt. 76

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Examples of Typical § 1014 Disclosure Statements

Campaign sign paid for by State Senate Candidate Tony Bernier

Paid for by Tony Bernier

Independent mailing supporting candidate

Paid for by Maine Reform Party,
123 Water Street, Augusta, Maine 04332.
Not paid for or authorized by any candidate.

The top 3 donors of the Maine Reform Party are Reform Party USA,
Reform Senate Campaign Committee, and Reform Governors Association

Robocalls paid for by candidate Lisa Thompson (using her voice)

Paid for by Lisa Thompson

Mailer paid for by candidate's campaign committee

Paid for by Lisa Thompson for DA, 45 Maine Street,
Bucktown, ME 04345. Authorized by the Candidate.

Negative television ads by PAC opposing candidate

Paid for by Mainers for Equal Rights,
456 Congress Street, Portland, Maine 04777.
Not paid for or authorized by any candidate.

The top 3 donors of Mainers for Equal Rights are the Renew America PAC,
Prosperity for All, and New Yorkers for Equal Rights.