



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

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## **Paid Communications Relating to the New England Clean Energy Connect Transmission Project (Sept. 7 - Nov. 3, 2020)**

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This guidance is for persons that are purchasing services for direct mail, robocalls, or advertising related to the New England Clean Energy Connect (“NECEC”) transmission project that will be disseminated after Labor Day 2020. Under Maine’s campaign finance law ([21-A M.R.S. § 1056-B](#)), a person that receives contributions or makes expenditures totaling more than \$5,000 for the purpose of initiating or influencing a ballot question campaign must register with the Commission as a ballot question committee (“BQC”) and disclose their financial activity related to the question. The Commission has published a guidance memorandum on registering and reporting as a ballot question committee (referred to below as the “Guidance Memo”), which is available at [www.maine.gov/ethics](http://www.maine.gov/ethics). This memo is intended to supplement that ongoing advice for the 2020 election season.

Persons must register and file reports as a BQC if they spend more than \$5,000 for communications and activities made “for the purpose of initiating or influencing” a ballot question. In the Guidance Memo, the Commission has interpreted this to mean communications that expressly advocate for or against a ballot question. Please refer to the Guidance Memo for a definition of “expressly advocate” in the context of a ballot question.

Applying the guidance in this election cycle, the Commission will presume that a payment for a communication that meets the following four criteria is for the purpose of influencing<sup>1</sup> the citizen initiated Resolve to reject the NECEC transmission line project, which has been referred for a statewide vote on November 3, 2020:

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<sup>1</sup> “Influence” means to promote, support, oppose or defeat. (21-A M.R.S. § 1052(4-A))

- the payment is for services to design, produce or disseminate a communication that is disseminated to the public during the period of September 7 - November 3, 2020;
- the communication is disseminated by direct mail, robocalls, or advertising on a broadcast or cable television station, radio station, internet website, social media outlet (*e.g.*, Facebook), or newspaper;
- the communication indicates support for or opposition to the NECEC transmission project or hydropower, or makes positive or negative statements about the project or hydropower, and
- the payment for the communication exceeds \$500.<sup>2</sup>

If paid communications that meet the above criteria come to the attention of the Commission but are not reflected in campaign finance reporting to the Commission, the Commission may initiate its own inquiry to understand why these payments have not been reported as expenditures.

Please refer to pages 3-4 of the Guidance Memo for types of communications that are not reportable expenditures because they are exempt from the definition of expenditure or lack the requisite purpose to be covered by BQC reporting requirements (*e.g.*, news stories, editorials, or membership communications).

If you have questions concerning this guidance, please contact the Commission's Political Committee Registrar Michael Dunn at [Michael.J.Dunn@maine.gov](mailto:Michael.J.Dunn@maine.gov).

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<sup>2</sup> The Commission has selected \$500 as the threshold for the presumption because that is the threshold for paid communications to include an attribution statement under 21-A M.R.S. § 1055-A.