



Request for Commission Determination Communication is Not an Independent Expenditure

Under 21-A M.R.S. §§ 1019-B(1)(B) & 1019-B(2), an expenditure to design, produce, or disseminate a communication that names or depicts a clearly identified candidate and 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
- from Labor Day to a general election day

is an independent expenditure (IE), unless the person(s) making the expenditure requests the Commission to determine the expenditure is not an IE by submitting this form. Any documents, statements, or other evidence supporting the request should be attached to this form. To request the Commission's determination, this form must be filed with the Ethics Commission within 7 days of disseminating the communication. The form may be filed by faxing it to (207) 287-6775 or by sending a scanned copy to ethics@maine.gov, provided that the Commission receives the original within 5 days.

Individual/Organization Making the Expenditure	
Name:	Mailing Address:
Email:	
Contact Person	
Name:	Mailing Address:
Email:	
Phone Number:	Role:
Candidates Named or Depicted (Use Additional Pages if Necessary)	
Candidate 1:	Candidate 2:
Candidate 3:	Candidate 4:
Communication Details	
Date of Dissemination:	Could Dissemination Date Change?:
Type of Communication:	
Brief Description of Intended Audience:	
Affirmation	
This expenditure was not incurred with the intent to influence the nomination, election, or defeat of a candidate.	
Signature of Authorized Individual (above)	Date (above)

21-A M.R.S. § 1019-B – Reports of Independent Expenditures

1. **Independent expenditures; definition.** For the purposes of this section, an “independent expenditure” means any expenditure made by a person, party committee or political action committee that is not made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate’s authorized political committee or an agent of either and that:
 - A. Is made to design, produce, or disseminate any communication that expressly advocates the election or defeat of a clearly identified candidate; or
 - B. Unless the person, party committee or political action committee making the expenditure demonstrates under subsection 2 that the expenditure was not intended to influence the nomination, election or defeat of a candidate, is made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and 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 from Labor Day to a general election day.
2. **Commission determination.** A person, party committee or political action committee may request a determination that an expenditure that otherwise meets the definition of an independent expenditure under subsection 1, paragraph B is not an independent expenditure by filing a signed written statement with the commission within 7 days of disseminating the communication stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person, party committee or political action committee chooses to submit. The commission may gather any additional evidence it deems relevant and material and shall determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.