

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Further Restrict Push Polling**

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

**Sec. 1. 21-A MRSA §1014-B, sub-§1, ¶B,** as enacted by PL 2001, c. 416, §1, is repealed.

**Sec. 2. 21-A MRSA §1014-B, sub-§1, ¶C,** as enacted by PL 2001, c. 416, §1, is amended to read:

C. The pollster or polling organization does not collect or tabulate significant survey results, as determined by the commission;

**Sec. 3. 21-A MRSA §1014-B, sub-§2,** as amended by PL 2003, c. 448, §1, is further amended to read:

**2. Push polls; political telephone solicitations; requirements.** Push polling must be conducted in accordance with this subsection.

A. A person may not authorize, commission, conduct or administer a push poll by telephone or telephonic device unless, during each call, the caller identifies the person or organization sponsoring or authorizing the call by stating "This is a paid political advertisement by (name of persons or organizations)," and identifies the organization making the call, if different from the sponsor, by stating "This call is conducted by (name of organization)."

B. If any person identified as either sponsoring or authorizing the call is not required to file any document with election officials pursuant to this Title, a valid, current, publicly listed telephone number and address for the person or organization must be disclosed during each call.

C. If any person sponsoring or authorizing the call is affiliated with a candidate, the candidate's name and the office sought by that candidate must be disclosed during each call.

D. If the call is an independent expenditure, as defined in section 1019-B, that a candidate has not approved the call must be disclosed during each call.

It is not a violation of this subsection if the respondent voluntarily terminates the call or asks to be called back before the required disclosures are made, unless the respondent is in any way encouraged to do so by the person initiating the call.

A person may not state or imply false or fictitious names or telephone numbers when providing the disclosures required under this subsection.

All oral disclosures required by this subsection must be made in a clear and intelligible manner and must be repeated in that fashion upon request of the call respondent. Disclosures made by any telephonic device must offer respondents a procedure to have the disclosures repeated.

This subsection does not apply to a push poll or political telephone solicitation or contact if the individuals participating in the call know each other prior to the call.

A person who violates this subsection may be assessed a forfeiture of \$500 up to \$10,000 by the commission.

**Sec. 4. 21-A MRSA §1014-B, sub-§3, ¶D**, as enacted by PL 2001, c. 416, §1, is amended to read:

D. A person who violates this subsection may be assessed a forfeiture of \$500 up to \$10,000 by the commission.

### SUMMARY

This bill amends the laws restricting push polling by:

1. Exempting an organization that collects or tabulates significant survey results, as determined by the Commission on Governmental Ethics and Election Practices; and
2. Increasing the fine that may be imposed for a violation of push polling requirements or failing to register as a person conducting push polling from \$500 to an amount up to \$10,000, which gives the commission some discretion when imposing a fine.