



Testimony in Opposition to LD 517:

“An Act Regarding Synthetic Material in Campaign Advertising”

Senator Carney, Representative Kuhn, and the distinguished members of the Committee on Judiciary, my name is Harris Van Pate, and I am a policy analyst at Maine Policy Institute, a nonprofit, nonpartisan organization that works to advance individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in opposition to LD 517.

While the stated goal of this bill, preventing deception in political advertising, is understandable, the structure and enforcement mechanisms created by this proposal raise serious constitutional and policy concerns, all to address a problem that already has legal solutions.

Content-Based Regulation of Political Speech

Although LD 517 is framed as a disclosure requirement, it goes substantially further by regulating the content of political speech. The bill creates a new, technology-specific category of political communication—“synthetic media”—and subjects it to heightened regulation and penalties based on how the message is created, rather than whether it is false or fraudulent. This represents a departure from traditional campaign finance disclosure law, which focuses on transparency regarding sponsorship and expenditures, not editorial or creative choices within speech itself.

Content-based regulations of political speech receive the highest level of constitutional scrutiny, and MPI is concerned that this bill moves Maine into legally vulnerable territory.

Vague and Subjective Standards

The bill relies on indeterminate standards, such as whether media is “materially manipulated,” creates a “materially different understanding,” or would mislead a “reasonable person.” These terms are inherently subjective and provide limited guidance to speakers before publication. As a result, campaigns and advocacy organizations would be left guessing whether lawful speech might later be deemed noncompliant by regulators or courts.

Laws governing elections should be clear, predictable, and narrowly drawn. LD 517 fails that test.



Disproportionate Penalties and Chilling Effects

The bill authorizes civil penalties of up to 500% of the amount of the expenditure involved, along with injunctive relief and attorney's fees. These sanctions are severe relative to the alleged harm and will predictably chill lawful political speech, particularly by smaller campaigns, advocacy groups, and individual speakers who lack legal resources.

The First Amendment does not require citizens to risk financial ruin in order to engage in political expression.

Redundancy with Existing Law

Maine already possesses ample authority to address genuinely deceptive political conduct through existing laws governing fraud, misrepresentation, attribution, and false statements. LD 517 does not demonstrate a failure of current enforcement mechanisms. Instead, it expands regulatory power in response to speculative concerns about emerging technology rather than documented regulatory gaps.

Conclusion

MPI urges the Committee to oppose LD 517. The bill expands content-based regulation of political speech, relies on vague and subjective standards, imposes excessive penalties, and risks chilling lawful political expression—all without clear evidence that existing law is inadequate.

Protecting the integrity of elections is important, but it must be done in a manner consistent with constitutional principles and longstanding free speech protections. LD 517 does not strike that balance. Thank you for your time and consideration.