



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
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NEW TOP 3 FUNDER DISCLOSURE REQUIREMENTS FOR INDEPENDENT EXPENDITURES

As part of the citizen's initiative approved by Maine voters on November 3, 2015, beginning with the 2016 election cycle, when an organization makes an independent expenditure advocating for or against a candidate, the organization is required to name its three largest funders in the communication. (21-A M.R.S.A. §1014(2-B), Commission Rules Chapter 1, Section 7, subsection 12) This disclosure statement is in addition to the current disclosure requirements of Title 21-A, Section 1014, subsection 2 or 2-A.

1. What communications require Top Funder disclosure?

A communication is required to include a Top Funder disclosure statement if the communication is

- An independent expenditure,
- In excess of \$250 per candidate per expenditure, and
- Made over broadcast or cable television, broadcast radio, or Internet audio programming, or through direct mail, newspaper or other periodical publications.

The following are examples of communications not requiring Top Funder disclosure statements:

- Telephone calls
- Videos on the Internet
- Campaign signs

2. What is required for a Top Funder disclosure?

- The communication must conspicuously include the following statement:
"The top 3 funders of (name of entity that made the independent expenditure) are: (names of the top 3 funders)"
- Audio-only communications (e.g. radio ads) require only an audio statement; visual-only (e.g. newspaper ads) require only a visual statement; audio and

visual communications (e.g. broadcast or cable television ads) require both an audio and visual statement.

- The visual portion of a top funder disclosure statement in a cable television or broadcast television communications must conform to federal regulations which regulate text size and duration of sponsorship information, specifically:
 - Be equal or greater than four percent of the vertical picture height, and
 - Appear for not less than four seconds
- For communications with a visual aspect other than television or video communications, the Top Funder disclosure statement must appear in a font size that is 12-point or larger.

Here is an example of a conforming Top Funder disclosure statement coupled with the disclosure statements required by Title 21-A, Section 1014, subsection 2:

“Paid for by the Committee for a Better Maine, 2 Oak Street, Bangor, Maine. The top 3 funders of Committee for a Better Maine are Americans for a Fair Workplace, the National Business-Labor Council, and Get America Moving. **Not paid for or authorized by any candidate.**

Small or short-duration communications.

- If a communication is made by broadcast or cable television and is 30 seconds or less in duration, the audible portion of the disclosure is only required to include the top funder. The visual portion must still include the top three funders.
- If a communication is made by print and is 20 square inches or less, the disclosure is only required to include the top funder.
- If a communication is made by an audio-only format and is 30 seconds or less in duration, the disclosure is only required to include the top donor.

3. Who are my top funders?

- A funder is any entity that has given a cash or in-kind contribution to your organization since the day after the last general election.

- Ties are broken by naming the funders in chronological (oldest first) order. If you still cannot break the tie, you can choose which of the tied funder to disclose.
- If your top funders change, any communication paid for after the change must be appropriately updated.
- You do not have to name entities giving you less than \$1,000 or those funds that you can show were not associated with the candidate or candidates mentioned in the communication because they were already spent or were strictly segregated in other accounts.

If you have any questions about this guidance, please contact the Commission staff at (207) 287-4179 or ethics@maine.gov.