

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



21 M.R.S.A. 861-1  
21 M.R.S.A. 863

RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

September 27, 1976

Representative James K. McMahon  
Box 125  
Kennebunk, Maine 04043

Dear Representative McMahon:

This responds to your inquiry of September 16, 1976, raising several questions regarding the election laws.

Question 1: Am I correct that Title 21, Sec. 201, sub. 1A requires any person who wishes to register to vote to provide both his street address and, if he has one, his separate mailing address? Does this mean that a person who wishes to register to vote cannot list only a Post Office box number as an address?

Answer 1: Pursuant to the provisions of 21 M.R.S.A. § 201-1, a person must provide both a street address and a mailing address if they are different. However, if a person lives in a community where street addresses are not provided, the law may be complied with by a person simply indicating the community in which he lives and a post office box number. Obviously, whether the law has been complied with in a particular instance would require an examination of the facts of the particular case.

Question 2: Am I correct that Title 21, Sec. 861, sub. 1 requires a person who wishes to vote to state his name and street address to an incoming election clerk only in those towns which have voting districts? If so, does this mean that a person who resides in a town which does not have voting districts does not have to state his street address to an incoming election clerk?

Answer 2: It is our interpretation of 21 M.R.S.A. § 861 sub-§1, that it requires all persons wishing to vote to state their name to the election clerk, but that the street address of the voter

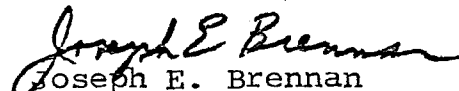
need be stated to the election clerk only in a municipality which is divided into voting districts. Thus, a person who resides in a town which does not have voting districts does not have to state his street address to an incoming election clerk. In this connection, we believe that the words: "in a municipality which has voting districts" in sub-§1 modifies only the term "street address" not the entire sub-§1.

Question 3: Does a person who challenges the right of another to vote as described in Title 21, Sec. 863, incur any personal liability for doing so?

Answer 3: We are not able to provide an answer to question 3 without a specific fact situation. It is always a possibility that someone who acts with malice or for illegal purposes may be subject to personal liability. However, as a general matter, it would be unlikely that a person who makes a challenge in good faith based on information available to the person at the time, would incur any personal liability.

I hope this information is helpful.

Sincerely,

  
Joseph E. Brennan  
Attorney General

JEB:jg