

# MAINE STATE LEGISLATURE

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of voting place

21 M.R.S.A. 892-3

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October 7, 1976

Representative Richard Spencer  
R.F.D. #1  
Sebago Lake, Maine 04075

Dear Representative Spencer:

This responds to your request of October 6, 1976. By that request you posed the following question:

"May persons gather signatures for an initiative petition within 250 feet of the entrance to a voting place on election day where the initiative petition has absolutely no relation to any issue being voted on on election day."

The answer is that persons may collect signatures for initiative petitions which have no relation to any issue being voted on on election day within 250 feet of the entrance to a voting place, as long as they do not in any way interfere with or impede voters going to the polls or otherwise effect the election process.

DISCUSSION:

Response to this question requires an interpretation of 21 M.R.S.A. § 892-3. That section provides:

"A person shall not display any advertising material or operate any advertising medium intended to influence the opinion of any voter, within 250 feet of the entrance to the voting place."

Some exceptions are then provided which are not relevant to this opinion.

As we understand the issue here, efforts may be made to solicit signatures to initiative petitions within 250 feet of the entrance to

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voting places. There may or may not be signs provided in connection with the initiative petition, and such signs might be construed as advertising. However, the efforts in connection with the initiative petition would not be intended to influence the opinion of any voter with respect to issues upon which they will cast their vote in the November election. Accordingly, the prohibition relating to advertising within 250 feet of a voting place would not apply, as the intent of that provision was to limit advertising relating to the then ongoing election.

It must be noted, however, that other provisions of law are intended to insure order at the voting place and easy access of citizens to the vote. Thus, for example, 21 M.R.S.A. § 832 provides generally for keeping order at the voting place and §891 generally regulates activities at the polling place and within the guard rail. Thus, persons collecting signatures on initiative petitions should be careful not to interfere with the voters access to the voting place or otherwise disrupt or interfere with either voters or election officials.

With this caution, however, we would advise that collection of signatures for an initiative petition which has no relation to issues presented to the voters at the then current election may occur within 250 feet of the voting place.

Sincerely,



DONALD G. ALEXANDER  
Deputy Attorney General

DGA:jlb