

# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

July 20, 1978

Henry N. Berry, III  
District Attorney  
Prosecutorial District Number Two  
142 Federal Street  
Portland, Maine 04101

Dear Mr. Berry:

This responds to your letter requesting the advice of this office on interpretation of the language in 21 M.R.S.A. § 892-3 prohibiting political activity within 250 feet of a voting place.

The law in question provides:

"A person shall not display any advertising material or operate any advertising medium, including a sound amplification device, intended to influence the opinion of any voter, within 250 feet of the entrance to the voting place. The term 'sound amplification device' includes, but is not limited to, sound trucks, loud speakers and blowhorns.

"A. Exceptions. This does not apply to advertising material on automobiles traveling to and from the voting place. It does not prohibit a person from passing out stickers at the voting place which are to be pasted on the ballot in a primary election. It does not prohibit a person from wearing a campaign button."

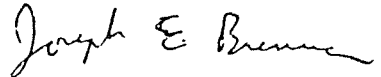
You indicate that there are a number of possible interpretations of this law, particularly when the voting place itself is one room within a larger building. These interpretations have, I am sure, been made in good faith. You also indicate that it has been your interpretation that the entrance to the voting place is the mid-point of the door leading into the building where the voting is taking place. I believe your interpretation is correct.

After examination of the law, I have concluded that the proper interpretation of 21 M.R.S.A. § 892-3 is that the entrance of the building in which the ballots are cast should serve as the point from which 250 feet should be measured to determine the area within which political advertising is limited. This interpretation is confirmed by the definition of "voting place" as the building in which ballots are cast at an election, 21 M.R.S.A. § 1, sub-§ 43. The interpretation also will minimize confusion as the outside entrances of a building are easily determinable.

I would note that the law provides that election wardens and their assistants at each voting place are responsible for enforcing election laws and keeping order at the voting place. 21 M.R.S.A. § 832. Due to the various places and types of buildings in which elections are conducted, some flexibility in implementation of the law would appear to be appropriate to implement the spirit as well as the letter of the law to protect voters from undue influence.

I hope this information will assist you.

Very truly yours,



JOSEPH E. BRENNAN  
Attorney General

JEB:jg  
cc: Doris Hayes